



**Empowering Women Towards Gender Equality
in the MENA Region Through Gender Mainstreaming
in Economic Policies and Trade Agreements**

Gender & Trade

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Foreword and Acknowledgment

In a continued aim to enhance the situation of Arab Women, the Center of Arab Woman for Training and Research (CAWTAR) has chosen to work collaboratively with different partners, on a number of key issues to foster knowledge as a mechanism of change and encourage policy dialogue on a wide range of topics concerning Arab women's status from a Gender and Human Rights perspective, either in the context of its Arab Women Development Reports/ AWDR or other reports regularly produced, focusing either on specific or emerging issues such as women economic participation to only quote for instance:

- "Gender and Globalization: economic participation of women" AWDR 2001,
- "Arab Women and Media" AWDR 2006,
- "Gender Impact of Trade Liberalization in the MENA Region" CAWTAR-World Bank, 2006
- "Women Entrepreneurs in the Middle East and North Africa: Characteristics, Contributions and Challenges" CAWTAR-International Finance Corporation Gender Entrepreneurship Markets, 2007,
- "Arab Women and participation in decision making", AWDR 2010,
- "National Legislations, Policies and Mechanisms: impact on women economic empowerment in the Arab region", CAWTAR-OXFAM-Qc supported by CIDA, 2013,
- "Women in Public Life: Gender, Law and Policy in the Middle East and North Africa MENA". OECD Governance programme-CAWTAR, 2014,
- "Arab women and Legislation" AWDR 2015,
- Arab Women and the 2030 Global Agenda in Local Media" AWDR 2017.

The 2019 AWDR to be launched soon is devoted to "Gender Equality in the 2030 Global Agenda: The Role of Civil Society and Media".

It is a long and no less fruitful journey that led us logically today to a subject as strategic as Gender & Trade.

Striving to better equip women to participate effectively in national economic development by securing productive and sustainable employment, CAWTAR and the Swedish International Development Cooperation Agency (Sida) signed an agreement* related to economic empowerment of women with focus on their access to and presence in Trade markets at national, regional and international levels. This partnership aims, in the medium and long term, at proposing tracks and appropriate tools to support women in the MENA Region, as equal participants of trade-driven economic development.

In addition to paving the way to a more Gender & Trade structured strategy, in the short term, the project produced a baseline that allowed to set the scene from one part and to build, from the other part, evidences that show a correlation between Gender, women economic empowerment and participation in Trade, to be used as a basis for advocacy and policy dialogue towards Gender Equality.

Indeed, in the previous Arab Women Development Report on Arab Women and Legislation, published by CAWTAR in 2015, Trade was a sector identified with room for improvement that required an additional knowledge and analysis to propose pertinent measures and laws to increase women's role in investment and trade not only to develop women's economic empowerment but also boost the productive power of Arab states.

*December 2017-June 2019

Gender & Trade

Recognizing that historically, gender and Trade have not been studied alongside, considering that there was no evident or declared discrimination in policies, strategies and/or Trade Agreements towards women, the rationale for this project was to utilise various means and tools to understand how economic participation of women, including in Trade markets, is hindered by diverse obstacles and what are the barriers that undermine their advancement whether legal, political, economic, societal or cultural.

Initiated in the context of a pilot phase, this report targeted only six countries: three from the Middle East (Egypt, Jordan and Lebanon) and three from the North Africa (Algeria, Morocco and Tunisia), assessing, auditing and analysing related trade agreements, policies, programmes and services as well as legislation, rules and regulations, from gender and Human Rights perspectives.

As such this report does not claim to be exhaustive, efforts in the collection, review, Gender Assessment, Audit and Analysis of data and information bring added value given the state of the art and the methodology used, highlighting gaps and providing basis for knowledge that can be used as a starting point by different stakeholders.

Indeed, supported and always encouraged by its Board of Trustees, headed by H.R.H Late Prince Talal Bin Abdulaziz Al Saud, chairperson of the Arab Gulf Programme for United Nations Development Organisation/AGFUND, CAWTAR's vision was always to privilege and invest in partnership and networking with governmental institutions, civil society organisations as well as United Nations Organisations and Development agencies at the bi-lateral and multi-cooperation levels. This win-win approach aims to ensure more synergy and efficiency towards achievement of its main goal and objectives.

The best example is the Arab Women Development Report, 2015 on "Arab Women and Legislation" which covered 20 countries of the Arab States Region involving with a variation from a country to another governmental institutions such as women mechanisms, ministries of Justice, civil society organisations including magistrates and lawyer organisations under the close and successful partnership of AGFUND, UNDP and UN-Women and contribution of the government of Finland.

Thanks to the support of the Swedish International Development Cooperation Agency/ Sida whom we warmly thank, CAWTAR was able to expand its partnership field with new stakeholders, both Rights Holders and Duty Bearers with a new topic and innovative methodology: assessing, auditing and analysing Gender & Trade towards Gender Equality realisation. Concerned partners were willing to accompany and support this adventure to only quote:

- Institutions concerned with women's and gender issues (ministries, councils and national commissions),
- Ministries in charge of economic and commercial matters,
- Governmental agencies dealing with investment issues, and credit as well as business development agencies for youth and women,
- Banks and credit agencies from public and private sector,
- National or joint chambers of commerce,

Gender & Trade

- Employers' organisations, men and women,
- Women Entrepreneurs organisations and associations
- Trade unions and Fair Trade organisations...

In this context, CAWTAR would like to express its gratitude to public officials and stakeholders more particularly in Algeria, Egypt, Jordan, Lebanon, Morocco and Tunisia as well as at a regional level for their support and encouragements from the beginning, throughout the process and till the validation of the six Gender & Trade Country Profiles; bedrocks of this regional synthesis and report. Special thanks are for those who acted as country peer reviewers.

Many thanks to the country teams, women and men, who contributed to the achievement of this result, for their efforts and patience in collecting data that has proven to be rare and sometimes even non-existent, and providing both quantitative and qualitative analysis of the information gathered, sometimes hard when dealing with laws and policies related to trade, customs and taxes, investments, cadastre, banking regulations and operations... or when applying the participatory and transformative gender audit and its tools.

CAWTAR is confident that this report will improve awareness of the multiple barriers women in the Arab States Region face to enjoy their legal and human rights to economic participation and to access to regional and international markets. Even modest findings will lay the grounds for an increased policy dialogue and advocacy for change in the MENA region leading to recognition of the women's work skills and strengthening their economic participation in the Region, opening to them the Trade Markets to the benefit of their country and region development.

Dr Soukeïna Bouraoui
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KEY FINDINGS

Mandate of this report and context

The Center of Arab Women/CAWTAR and the Swedish International Development Cooperation Agency/Sida signed an agreement related to economic empowerment of women with focus on their participation to and presence in Trade markets at national, regional and international levels. The pilot phase of the project “Empowering Women towards Gender Equality in the MENA Region through Gender Mainstreaming in Economic policies and Trade agreements” intends to produce data and information to present evidences that show a correlation between Gender, economic empowerment and women participation in Trade to be used in advocacy, policy dialogue towards Gender Equality in six countries: three from Middle East (Egypt, Jordan and Lebanon) and three from North Africa (Algeria, Morocco and Tunisia) to assess, audit and analyse/GAAA related policies, programmes and services as well as legislation, rules and regulations, from gender and Human Rights perspectives.

The problem/issue and related assumptions

Gender based-discrimination and consequent gaps are apparent as shown in available sex-disaggregated data across development areas and human rights in terms of employment, wages and pay, labour-time, access to productive inputs and social entitlements, as well as the allocation of paid and unpaid work. Gender construction influences both causes and consequences of poverty.

Likewise, in the MENA Region, economic participation of women faces up multiple obstacles and barriers in both public and private sectors. In the same way as many other regions in the world, women in MENA countries are involved in trade but it is often a small-scale trade activity and a petty trading. The earned income is often used to support their reproductive role and improve economic resources of their family rather than used to grow their trade activities.

The reasons for underrepresentation are multiple: undoubtedly economic but also institutional (laws, regulations and practices) cultural and societal mainly due to the gender construction and distribution of labour. As a consequence, such limited access to and control of resources which include financial and productive resources result in time constraints, workload and difficulties of conciliation between professional and family obligations... Moreover, these barriers are the main causes for the small number of women-owned businesses that are in comparison to men-owned businesses’, less productive.

It is fair to claim that historically gender hasn’t been studied alongside trade, because both economy and trade were thought of as “not concerned” considering there is no evident or declared discrimination in policies, strategies and/or Trade Agreements. Therefore, how would it be possible to explain the existing gender gaps and related figures?

Part I: Gender Equality, Human Rights and Development:

Provides the conceptual framework in which both quantitative and qualitative analysis is made. The collection of data and information allowed making a state of art of the situation on “Gender equality and human rights” thanks to the desk/documentary review (global context) and will concern in particular development indicators that should be considered as Human Rights indicators.

Development indicators are human rights indicators and gender gaps are indicators of gender based discrimination

Gaps in Development means non realisation of Human rights: the defining and analysis of the status of rights is being then quantitative as well. Hence, in compliance with their international commitments, the State Parties have the obligation to respect, protect, promote and fulfil the human rights as stipulated by the conventions they have ratified and ensure that all citizens enjoy equally and without any kind of discrimination.

Despite the recognised progress in the Region, the collected data shows that Arab states continue to rank in the bottom row of the general ranking, the first in the region being Tunisia at the 119th place and Yemen at the 149th place ranking out of 149 countries, Yemen is at the last place since the first publication of the GGGR in 2006 and its situation is far from getting better due to the effects of the war this country is undergoing.

In 2006, only 10 MENA countries were covered by the GGGR-WEF; the number increased through the years with some of them getting away for diverse reasons including unavailability of data, uprising or conflict (e.g. Tunisia, Syria) and coming back when circumstances improved while others joining at the same time. This year Oman re-enters the index and Iraq is integrated in the report for the first time. As indicated in the 2018 GGGR-WEF In terms of year-on-year progress, out of the 16 countries from the region covered by the Index in 2018, 10 have increased their overall scores compared to last year, while seven have decreased their overall scores.

Providing equal access to primary education is a key milestone that has been achieved by almost all MENA countries resulting today on more children in school in MENA than ever before. Indeed, the appraisal of access to education across MENA countries shows that most of them have made significant progress towards increasing children’s school enrolment, attendance and completion at all education levels, however gender disparity persists. Indeed, challenges to secure equality and equity in access as well as the quality of education provided in terms of transferrable skills and credit transfer remains a major issue across the region.

The MENA region continues its progress as highlighted by many sources. Yet the region continues to stagnate in the last places without counting the few countries that take a step forward and two steps back.

The Arab states are far from having realised the Beijing (1995) minimum requirements in terms of women participation either in executive, managerial or elected bodies. For instance, as per the managerial positions, at least three MENA countries are among the four worst-performing countries (Egypt, Saudi Arabia and Yemen and Pakistan) that achieved less than 7%. While almost

a quarter of the countries surveyed have reduced their gender gap by less than 10%, the four worst-performing countries that still need to fill more than 97% of their gap are in the MENA region (e.g. Kuwait, Lebanon, Oman and Yemen).

The same concerns are confirmed when comparing women and men's presence and participations in elected bodies. The IPU classification consists of the number of women members vs men in parliaments i.e. lower/single house and upper house/senate in 193 countries (The first ranked being Rwanda and the last Vanuatu). It includes 19 Arab states among which those covered by this report.

The review of the legislation managing private and public life is conducted to define the state of art of women and men legal rights including economic rights from gender and human rights perspectives and thus concerns also country international commitments.

Legal rights are not always human rights and human rights are not always legalised

Although some countries have adopted the principle of equality in their Constitution and laws, at work and in wages, they also consider some provisions to be in favour of women, others encourage women to terminate employment reinforcing gender construction and stereotypes: women are proposed full end of service benefits if they terminate their work contract due to marriage within one year or are allowed to work half-time while obtaining two-thirds of the salary. Both provisions exclude women from labour market and deprive them from a career.

In addition to that, the allowances in the salary depend on the social status (single vs married) and the gender distribution of roles and tasks which is institutionalised in the legal framework but differently in the public and the private sphere. In most cases, men are the ones who benefit from the family and wife compensations, considered as the breadwinners, reinforcing discrimination against women and jeopardizing the principle of equal pay for equal work. Women even married and mothers are still treated as single women in labour and taxation laws, even if they are household heads. They must go through the court to be recognized as such.

Most Arab countries limit women's rights to work by time and place. They consider women and children to be at the same level, and prohibit them from working during certain hours, in what is termed as night work (with the definition of the night shift varying from one country to another), and from what is defined as hard or hazardous work, above or below the ground. Justifications range from women's capacity and nature to the protection of their health or morals. Most laws refer to exceptions by often referring to the public interest, although they do not define or specify what public interest means. This term is used to give credibility to other justifications such as the authority of the legislator to revoke one of the rights for the benefit of a superior one, which means that public interest may supersede private interest and equal rights of women and men.

Starting from the constitutions and in almost all areas of concern, countries refer systematically to the principle of equality in enjoying legal rights and human rights including economic rights and related opportunities such as in labour laws as a guarantee for equal access to employment opportunities and social protection benefits as well as access to and control of resources, including right to property and inheritance.

Indeed, women are not impeded from owning or managing land or other real estate property. Yet by religious law and social custom, women have the right to own property (land and otherwise) and are entitled to financial support from their husbands or male relatives even if they have their own resources and incomes. Concerning the right to inheritance, women have the right to inherit according to sharia distribution rules**. However, the rules that are applied are either selected or interpreted to give the primacy to male's financial interest but not necessarily based on the legitimate inheritance right of women, taking into account their different positions in the family or the evolvement of gender distribution of roles.

Women's rights are violated in almost all countries of the region. In countries where religious minorities are allowed to implement their own laws in personal status matters, inheritance rights may vary per confession. Usually women face pressure from family and sometimes the threat or blackmail especially by male members to withdraw the advantage of their rights howsoever (real estate, money...) but especially land. The male of the family considers that land should not be parceled out to foreign persons referring clearly to women's husband and children. It has been reported that sometimes girls have to sign a paper in that sense, so their family will agree to marry them off.

The initiatives taken by the covered countries to operationalize their international commitments have been also assessed such as national mechanisms, whether specific institutions or special measures, policies and strategies related to women empowerment, including economically are taken towards gender equality.

Policies and strategies, programmes and services are developed thanks to cooperation and partnership commitments and adopted but not necessarily financed. Laws and practices in the Arab states as over the world still demonstrate the de jure and de facto discrimination that prevents women from enjoying their legal and human rights, reducing their chances of fully participating in society, in economy and development, particularly when and where accountability and rule of law are either weakly applied or not respected at all.

National Policies are not always implemented and national and international legal commitments not always respected.

**Noting at least 25 ways that can allow women to inherit more than men

Part II: Gender, economy and trade

In this part, the Economy, economic activities and Trade definitions are provided and a Gender and Trade framework set up. The Gender Assessment, Audit and Analysis methodology and tools will be exposed as well as the step-by-step implementation process. The findings of the GAAA conducted in the six countries will be presented.

At the Organisational level, the application of the GAAA tools has revealed the following:

- There is little or no consideration of Gender and Human Rights in trade agreements classified as “Gender-blind” for most of them or GHR “neutral”; very few of them are partly “Gender-sensitive” in their analytical part, and partially “Gender-informed” and “Gender-responsive” in their programmatic part.
- Explicit reference to Gender equality by devoting a chapter to the role of women in the economy and public affairs or in the economic sphere does not mean “Gender-sensitiveness”, due to the poor reference –or absence- to the principle of equality which is not gender specific.
- In the conditions for eligibility, there is no consideration for the activities carried out by women and there is no mention of positive discrimination in the selection criteria. Preference is for a competence-based approach. Some good practices however have been highlighted, supporting women’s entrepreneurship in the field of trade in the final selection process for certain projects. A number of women are also provided with guidance in their entrepreneurial activities without the project having any particular purpose to do so.
- The Fair Trade Principles are partially taken into consideration in the guiding documents for public policies (Development Plan and Plan of Major Reforms). They are not included in the Export Development Project.

The situation analysis and the GAAA exercises utilising various frameworks and tools applied to various documents reached the same conclusions: except the gender and women focused documents, initiatives and mechanisms, none of the National Laws, Trade agreements, economic & trade policies and strategies can be categorised as Gender Sensitive and certainly not transformative. In fact, they are more gender-blind, as they fail to identify and acknowledge gender-based differences and gaps and consequently plan any intervention to address them and gear towards gender equality.

While trade liberalisation does not create structural gender inequalities, the social construction of the society institutionalised in the legal and policy frameworks determine the status of women. This can – for better or worse –contribute to identifying the impact of trade and economic initiatives on women. When done, it would be necessary to take the necessary measures to ensure better economic integration of women and create the appropriate conditions to their access to national, regional and international Trade Markets.

The field survey on a Pilot Rapid Assessment (Questionnaires and Focus Group Discussions) of the main Gender & Trade stakeholders from public and private sectors, governmental institutions and non-governmental organisations are also reported.

The Pilot Rapid Assessment (PRA) covered more than 120 national organisations in six countries (Algeria, Egypt, Jordan, Lebanon, Morocco and Tunisia) as well as three Arab regional organisations (LAS, CAWTAR and AOAD).

The total number of respondents representing these organisations did not exceed 196 persons (72.4% women and 27.6% men). Through this small sample of organisations (39.3% governmental organisations and 60.7% non-governmental organisations) operating in eleven economic fields, the survey team sought to assess the extent to which the Gender perspective is incorporated at the programmatic and organisational levels within these organisations.

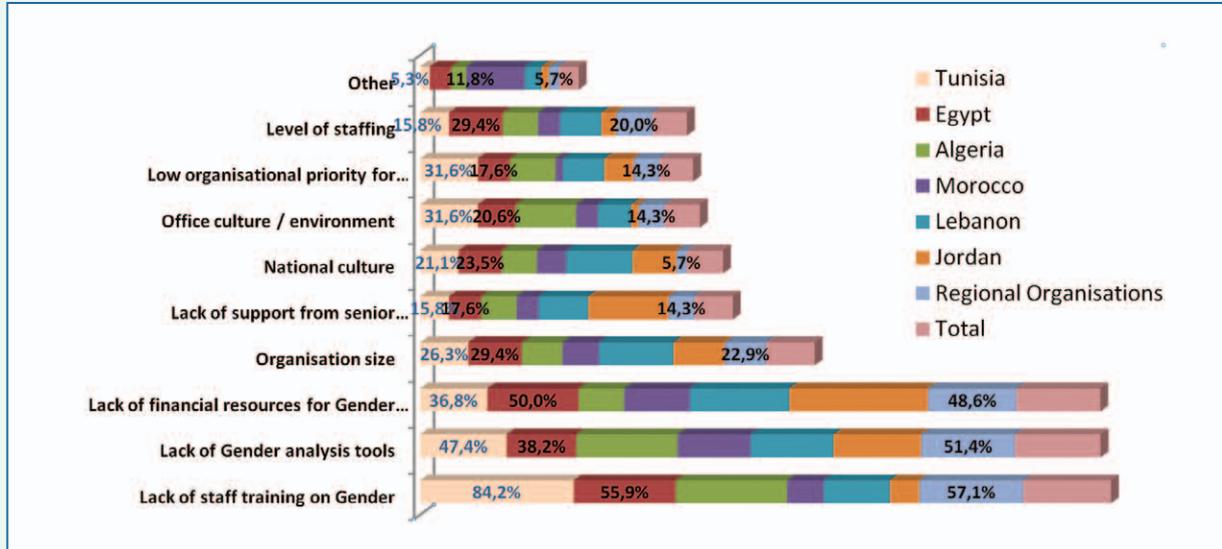
As these results mainly represent the perceptions of respondents in the different surveyed organisations and where the number was not statistically representative, especially at the national level, the findings of this PRA do not pretend to be generalized to the whole population of each surveyed organisation, all of them in a given country or for the country itself. However, these results are acceptable as qualitative results and could be considered as tracks for refined orientations, well stated assumptions and potential indicators noting that many of them are consistent with the results of the Situation Analysis (Part I) and the GAAA exercise (Part II, Chapter II).

For instance, among all categories and sub-categories, it appears as relevant to look into the obstacles facing Gender mainstreaming in planning & programming which will allow to wrap up the state of art of gender work at its various levels and steps from one part, and to trace the tracks for potential ways to remove them from the other part.

Respondents asserted, with varying degrees, that their organisation faces obstacles to Gender mainstreaming in its implementation and evaluation. The largest proportion of respondents who said that their organisation faces obstacles to Mainstream Gender are from Tunisia, followed by Lebanon, Egypt, Algeria, and Jordan, then regional organisations, and finally Morocco. Among these difficulties are quoted the lack of staff training on Gender, Gender analysis tools as well as limited financial resources for Gender programming.

Confirming the modest percentage of the organisations that have adopted a Gender Policy, the herewith Figure highlights the difficulties faced by organisations to incorporate Gender in analysis, programmes/project planning, programming as well as the M&E.

Obstacles to GM in planning, implementation and evaluation



The GA questionnaire was designed and implemented as an integral part of the GAAA to serve as an additional way for a more in-depth analysis of the situation. One of the purposes was to refine the methodology used in the context of the project taking into account the preliminary precautions taken from the outset not to say reservations, namely that the used GA questionnaire is above all a management, M&E instrument that must be used in the same organisation i.e. vertically and that intends either to adopt Gender Mainstreaming at institutional and organisation levels or to audit if what it is doing is correctly done.

Based on the above and as planned, the PRA results are also essential to support the conclusions and recommendations of this exercise and report within the overall approach and methodology (i.e. SitAn, GAAA) from one part but also pave the way for a larger survey and more in-depth analysis of the situation.

Indeed, not representative statistically but certainly useful, the PRA collected data is both informative and indicative when it relates to the cross-cutting analysis of the various steps of this exercise starting from the SitAn; but also from the point of view of the respondents themselves, particularly when it concerns gender related issues that involve not only technical or professional dimensions but also refers to what is most personal to an individual in societal dynamics that are sometimes complex, full of contradictions and paradoxes.

In conclusion, the non-statistical representativeness (196 respondents from 120 GOs and NGOs) does not preclude these findings from being significant for those, women and men, who responded to these questionnaires, committing and assuming themselves through sharing their experiences and expressing their feelings, views and perceptions but also of a real- and daily life of women and men.

Overall Conclusions & recommendations:

“Gender & Trade Diagnosis: Vision of the future”

A wrap up is made focusing on economic and trade related or influencing indicators are shown thanks to the available sex-disaggregated data and provide an economic and trade outlook focusing on the six countries. Based on the findings of PART I and PART II, correlations are established thanks to a transversal reading and analysis to highlight the achievements that contribute --or have contributed-- directly or indirectly to Gender Equality as a whole and as regards to economic participation and empowerment with a focus on trade. The identified remaining gaps will help to determine the barriers and the factors that contribute --or have contributed-- directly or indirectly to widening the gender gaps and reinforcing discrimination against women as a whole and in the area of economic participation and in international trade, in particular.

The whole analysis process (problem, objectives, initial hypotheses, methodology, solutions obtained) will be summarised to present work boundaries that are intrinsic/extrinsic to the work itself (GAAA including PRA) or project (pilot phase) as well as national/regional context. Ways to improve this work are suggested including in terms of development of networking and partnership. Corresponding to the findings of the Gender and Trade State of Art and resulting consultations with and validation by stakeholders at national and regional levels, priority recommendations and strategic interventions are proposed, towards prioritisation and planning of results for short-, medium- and long-term change and the achievement of gender equality in trade-driven economic development and with consistency with the 2030 Agenda with the SDG5 as a bedrock of any intervention or action.

The exercise through its different approaches and at its different steps tried to answer the three main questions raised in the introduction. The very short responses that are developed in this final part of the report through conclusions could be summarised as follows:

1. If there is no discrimination against women, what would be the causes then? In many areas and laws including constitution, Sex- and Gender-Based-Discrimination is prohibited however it does exist either legally or in institutional, societal and individual practices: its causes are multiple and situated at the three levels: legislation/policy; institution or organisation level as well as in society and family but mainly due to the existing cross-cutting discrepancies, lack of Rule of Law and Accountability, two of the main Human Rights principles.
2. Can low participation and benefits of women in economy and trade be explained by the way their provisions are implemented in the ground? The ways Trade Agreements and Economic policies are developed and not only implemented but based, even if unintentionally, on the exclusion of women from the design to the conclusion of the agreement, which made these policy documents women and gender-blind.

The recommendations agreed upon the countries and at regional levels tried to answer to the third question:

Gender & Trade

3. How to address the differentiated effect of trade policy on economic and social activities on men and women when they do have the same capacity and opportunity? Corresponding to the findings of the Gender and Trade State of Art that include also the GAAA exercise and the results of national and regional consultation at various steps of the implementation process as well as validation by stakeholders, priority recommendations and strategic interventions are proposed, towards strategic planning of results for short-, medium- and long-term change and the achievement of gender equality in trade-driven economic development. It is worth to note that thanks to advocacy and technical capacity of at least 150 national partners in the six countries from governmental institutions, civil society and professional organisations, evidence based advocacy and policy dialogue strategic frameworks have been developed first, at regional level and second, in the six countries under review.

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Gender & Trade



The content of the report

Work team	5
Foreword and acknowledgement	6
Key Findings	9
Table of Contents	18
INTRODUCTION	26
1. Context of the Region	26
2. Framework of the study/report	29
3. The methodology and tools	33
4. Structure/body of the Report	36
PART I : GENDER EQUALITY, HUMAN RIGHTS AND DEVELOPMENT	40
1. The process	40
2. The approach and organisation of the work	41
CHAPTER I-I : Gender Concepts, Principles and Parity	43
SECTION I-I.1 : The Gender and Human Rights Conceptual & referral Framework	44
1. Gender Conceptual Framework	44
2. Gender Referral Framework and principles	47
3. Human rights Referral Framework and principles	48
SECTION I-I.2 : The Situation Analysis: Framework and Process	53
1. The Scope of Work/SoW	53
2. Data Collection and Analysis	54
3. The literature/desk review	55
SECTION I-I.3 : Gender, Rights and Development Indicators	56
1. Development indicators are Human Rights indicators	56
2. Gender Equality, Human rights and Development at global level	56
3. Gender In/Equality in the MENA region	57
4. Gender In/Equality in the countries under review	61
In conclusion...	64
Chapter I-II: Development and Human Rights Indicators	66
SECTION I-II.1 : The Right to Education	66
1. Definition and international standard	66

2. Educational Attainment at global level	67
3. Educational Attainment at the regional level	67
4. Educational Attainment in the countries under review	69
SECTION I-II.2 : Right to Participate In Political and Public Affairs	79
1. Definition and international standard (1)	79
2. Participation in Political and Public Affairs at global and regional levels	80
SECTION I-II.3 : Right to Economic Participation and Opportunity	92
1. Definition and international standard (1)	92
2. Economic Participation and Opportunity at global level, regional and in the countries under review (2, 3, 4)	93
In conclusion...	107
Chapter I-III: Legal & Policy Frameworks towards Gender Equality	110
INTRODUCTION	110
1. The overall referral framework	110
2. Legal rights are not always Human Rights	112
3. Legislations/legal material	113
SECTION I-III.1 : LEGAL RIGHTS IN THE PUBLIC SPHERE	114
1. Education Rights	114
2. Civil and political rights	117
3. Economic rights	120
In conclusion...	126
SECTION I-III.2 : National mechanisms, Policies and international commitments	143
1. Policies, Strategies and programmes	127
2. International Commitments to Human Rights and human Rights of Women	145
In conclusion...	148

PART II : GENDER AUDITING ECONOMY AND TRADE	150
INTRODUCTION	150
CHAPTER II-I : Gender Assessment, Audit and Analysis methodology & tools	152
SECTION II-I.1 : Conceptual and Operational Framework of the GAAA	152
1. The conceptual framework	152
2. Gender and Trade:	155
3. Why the Gender Assessment, Audit & Analysis/GAAA?	157
SECTION II-I.2 : PROCESS & METHODS	159
1. The process	159
2. The methods	161
SECTION II-I.3 : Gender Assessment, Audit and Analysis/GAAA: Assumptions and Methodology	163
1. Assumptions and purpose	163
2. The Methodology	164
3. The GAAA phases and corresponding tools	166
SECTION II-I.4 : The GAAA's Pilot Rapid Assessment/PRA	171
1. Organisation of the GAAA's PRA	171
2. Stakeholders' analysis and support	171
3. The Mapping	172
4. The GAAA's Pilot Rapid Assessment	175
5. The Focus Group Discussions/FGDs	176
In conclusion...	179
1. Testing and applying the GAAA in the field	179
2. Difficulties in the field	179
3. What findings to expect?	180
CHAPTER II-II : Gender Assessment, Audit and Analysis in the countries	182
INTRODUCTION	182
SECTION II-II.1 : The GAAA in Algeria	184
1. The GAAA corpus	184
2. The GAAA results (Trade agreements)	185
3. Conclusions	189

SECTION II-II.2 : The GAAA in Egypt	190
1. The corpus	190
2. The GAAA results	190
SECTION II-II.3 : The GAAA in Jordan	198
1. The corpus	198
2. The GAAA Results	198
3. Conclusions	203
SECTION II-II.4 : The GAAA in Lebanon	204
1. The corpus	204
2. The GAAA results	205
3. Conclusions	212
SECTION II-II.5 : The GAAA in Morocco	213
1. The corpus	213
2. The GAAA of the Trade Agreements	213
SECTION II-II.6 : The GAAA in Tunisia	219
1. The corpus	219
2. The results of the GAAA (Trade Agreements, Policies & Strategies)	219
3. Conclusions	225
In conclusion...	226
CHAPTER II-III : Gender mainstreaming in programmes and organisation: Trends for developing a baseline: The GAAA's Pilot Rapid Assessment of Gender and Human Rights in Trade/GRHT	228
INTRODUCTION	228
SECTION II-III.1 : Framework, methodology and context	228
1. General framework and goals	228
2. Characteristics of the PRA	229
3. Target Population & sample:	230
4. Methodology and tools:	231
5. Data collection:	232
6. Data processing and analysis tools	233
SECTION II-III.2 : MAPPING & SAMPLING	234
1. Mapping based on the selected aggregated variables:	234
2. Characteristics of respondents	236

SECTION II-III.3 : ANALYSIS OF the PRA's PRELIMINARY RESULTS:	239	
PART 1 : GENDER EQUALITY/EQUITY AT THE PROGRAMMATIC LEVEL	239	
1. Programme Planning/Design within the Organisation	239	
2. Programme implementation	241	
3. Technical expertise	243	
4. Monitoring & Evaluation/M&E	245	
5. Partners of the organisation	247	
PART 2 : GENDER EQUALITY/EQUITY AT THE ORGANISATIONAL LEVEL	248	
1. Gender policy	248	
2. Staffing	250	
3. Human Resources	252	
4. Advocacy, marketing and communication	255	
5. Financial resources	256	
6. Organisational Culture	257	
In conclusion...	263	
CONCLUSIONS & RECOMMENDATIONS	266	
ANNEXES	290	
List of abbreviations	290	
List of Tables, Boxes and figures	297	
Bibliography/references	302	
Supporting Document 1	Gender and Human Rights Conceptual Lexicon	310
Supporting Document 2	the Gender Assessment, Analysis and Audit/GAAA (Methodology, tools & guidelines)	314
Supporting Document 3, 4 & 5	the GAAA's tools guidelines	319
Supporting Document 6	The GAAA questionnaire framework	331
Supporting Document 7	The PRA's ethics and code of conduct	335



**Empowering Women towards Gender Equality
in the MENA Region through Gender Mainstreaming
in Economic Policies and Trade Agreements**

Gender & Trade

INTRODUCTION

1. Context of the Region

1.1. Sociodemographic data

Middle East and North Africa (MENA) refers to a region that stretches horizontally from Morocco in northwest Africa to Iran in southwest Asia and down to Sudan in Africa. 22 countries¹ usually 2 within the Middle East² and North Africa are considered to compose MENA although the number can be increased to 24 with a different country composition. However, it is a region strictly defined geographically, rather than religiously or socially³.

Figure 1. Overview of the MENA region



The ambiguity with regards to what countries the geographical region actually includes can be reflected in the International organizations and agencies (e.g. UNICEF, UNDP or UNFPA, World Bank, OECD, LAS ...). The acronym itself which could be used interchangeably with the terms “greater middle east” or the “Arab World”. In this report when using the “MENA Region”, reference will be made to the “Arab World” and more specifically to the 22 members of the League of Arab states.

1. While the term MENA is almost always inclusive of Iran, it is typically not inclusive of Turkey, Afghanistan, or Pakistan depending on the organization's definition. Using the World Bank's definition Malta is included.
2. There is a total of 17 Arab States/countries that makes up the Middle East & North Africa
3. <http://istizada.com/mena-region/>; <https://www.investopedia.com/terms/m/middle-east-and-north-africa-mena.asp>

Figure 2. The Arab States Region and sub-regions



As of 2016, the region has an estimated population of over 411 million⁴ to increase in 2017 to 444,326,024⁵ noting that more than 28% of the population of the Middle East is aged between 15 and 29⁶.

Despite the Population and Health policies implemented by the different MENA governments as well as quantitative and qualitative improvement of services which positively impacted the mortality rates⁷, the level of birth rates has not really shifted leading to a high rate of natural increase across the Region.

It is worth noting however a recent decline in fertility rates in some countries contributing to the deceleration of the growth that still remains too fast. Consequently, the main population challenges the governments of the MENA region will have to address are related to population growth expected to continue for some time, to close the gap between the rich and poor, decrease poverty rates and provide essential necessities (housing, jobs, health care) to its citizens. The population of young people and women of reproductive age is also rising, so providing health care options to avoid a rising fertility rate is just one key to slowing the rate of growth. However, despite these challenges, regional growth rate is expected start declining in 2020 through 2050⁷.

4. The Middle East Population 2019 <http://worldpopulationreview.com/continents/the-middle-east-population/>

5. <https://data.worldbank.org/region/middle-east-and-north-africa>

6. World Bank, UNDP, and recent Middle East Youth Initiative (MEYI) publications quoted in <http://www.youthpolicy.org/mappings/regionalyouthscenes/mena/facts/>

7. <https://www.prb.org/populationtrendsandchallengesinthemiddleeastandnorthafrica/>

Accounting for approximately 6% of the world's population, the MENA Region is made up of a vast number of ethnic groups with different religious practices around Christianity⁸, Judaism and Islam, among other religious beliefs. Islam is the most practiced religion across the region, although this can vary by country. In Lebanon for example, Christianity is practiced by 40% of the population. There is no official language for the region and many are spoken throughout: Arabic⁹, the most spoken but also Tamazight¹⁰, Kurdish¹¹, Persian, Turkish. English is taught and used as a second language in the Middle East as it is the case for French in North Africa.

1.2. MENA Political, Judicial and Economic Systems

MENA's political, judicial and economic systems are heterogenous, with various political systems (Republics, Sultanate, Emirates, Monarchies, Federation, Multi-Confessional, Tribal, Islamic...) and also various judiciary organisations and contexts: peace, occupation, conflict, post conflict situation, revolutions and transitions... As such, the economy of the Arab States is very difficult to determine, as some countries are very wealthy, while others are very poor as herewith described:

- Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates (The Gulf Cooperation Council/GCC): the most economically developed countries of the region,
- Egypt, Iraq, Jordan, Palestine, Syria (The Middle East/ Mashrek), and Algeria, Libya, Mauritania, Morocco and Tunisia (the North Africa/ Maghreb): both representing the more diversified Economies,
- Comoros, Djibouti, Somalia, Sudan (Sub Saharan Africa) and Yemen (surrounded by Gulf countries):the least developed economies.

Due to the region's substantial oil and natural gas reserves—60% of the world's oil reserves and 45% of the world's natural gas reserves—, MENA is an important source of global economic stability and "A major reason for the world's interest"¹² thus its politics, religion, and economics are far-reaching across the globe¹³. The MENA region experienced and continues to suffer from occupation, social and political crises and instability, uprising ("Arab spring"), civil war, terrorism and, insecurity. The Region faces the higher number of conflicts and refugees affecting its stability and economy. Indeed, the MENA region hosts more than 6 million refugees¹⁴, the largest refugee population in the world amongst which Palestinian refugees are the largest and oldest refugee population in the world¹⁵.

8. <https://www.prb.org/populationtrendsandchallengesinthemiddleeastandnorthafrica/>

9. With Persian taking 2nd place

10. In North Africa and even in some parts of Egypt and Yemen

11. In Iraq, Syria and Turkey

12. <https://www.prb.org/populationtrendsandchallengesinthemiddleeastandnorthafrica/>

13. <https://www.prb.org/populationtrendsandchallengesinthemiddleeastandnorthafrica/>

14. Iran has the largest number of refugees living in its territory

15. U.S. Committee for Refugees, World Refugee Survey 2001 (Washington, DC: U.S. Committee for Refugees, 2001): Table 2. quoted in Population Trends and Challenges in the Middle East and North Africa <https://www.prb.org/populationtrendsandchallengesinthemiddleeastandnorthafrica/>

1.3. Main economic indicators

Some economic indicators for the recent period come as follows:

Table 1: MENA Economic indicators

GDP per capita ¹⁶	Middle East	12.07 thousand
	North Africa	3.49 thousand
	MENA	6.77 thousand
GDP (current USD) ¹⁷	MENA ¹⁸	3.276 trillion
GNI per capita Atlas method (current USD) ¹⁹		7,243.239
School enrolment, primary (% gross)		104.3
Life expectancy at birth, total (years)		73.695

Beyond their country specific characteristics whether cultural, historical or geographical, all of the Arab States, with variations from a country to another, are traditional and patriarchal societies where women, more or less, faced - and continue to face - legal, economic, socio-cultural and political discrimination that hinder their citizenship and enjoyment of their human rights as equal as men as to be shown in this work and report.

2. Framework of the study/report

2.1. The overall background

The World Bank pointed that in the last two decades, while the divide between men and women narrowed, especially in primary education and health, critical gender gaps remain and that major challenges—from climate change to forced migration, pandemics, or the global jobs crisis—affect women and girls in specific ways. Thus, despite a number of significant gains—including in MENA countries—the latest World Bank data confirm that more efforts remain to be made as herewith demonstrated.

Indeed, an estimated 62 million girls globally are out of school. Only 23% of low-income countries have achieved gender parity at primary level and 15% at secondary level. In contrast, 79 % of middle- and high-income countries have achieved parity at primary level and 41 % at secondary level. But issues of learning and quality of services remain, and in some regions, reverse gender gaps—whereby males are disadvantaged—are appearing at secondary and tertiary levels²⁰. Across the world, women are overrepresented in education and health; equally represented in social sciences, business, and law; and underrepresented in engineering, manufacturing, construction, and science. As with enrolment and completion, these choices matter because they translate into gender differences in employment, productivity, and earnings.

16. https://www.imf.org/external/datamapper/NGDPDPC@WEO/MENA/EGY/SDN/YEM/LBY/TUN/WEO_WORLD/MEQ/NMQ/NAQ

17. GDP per capita (PPP based) is gross domestic product converted to international dollars using purchasing power parity rates and divided by total population. An international dollar has the same purchasing power over GDP as a U.S. dollar has in the United States.

18. <https://data.worldbank.org/region/middle-east-and-north-africa>

19. World Bank Definition: GNI per capita - Gross national income (GNI) is the sum of value added by all resident producers plus any product taxes (less subsidies) not included in the valuation of output plus net receipts of primary income (compensation of employees and property income) from abroad.

20. Idem

Globally, women's labour force participation has stagnated and indeed fallen from 57% in 1990 to 55% in 2013. Women remain half as likely as men to have full-time wage jobs. Those who have paid work earn up to one-third less than men, partly as a result of occupational sex segregation. Women are more likely to engage in low-productivity work and work in informal sector, and they spend at least twice as much time on unpaid domestic work and care activities as men; they contribute significant unpaid work, about 58 %, to family enterprises and farms. The credit gap for formal women-owned small and medium-sized enterprises is estimated at about US\$300 billion dollars globally. Nor is the gender gap in bank account ownership closing: In 2011, 47% of women and 54 % of men had a bank account; in 2014, 58% of women had an account, compared to 65% of men—a 7% gap.

In many countries, women face legal and social barriers that prevent them from owning or inheriting assets, opening bank accounts, or accessing credit on their own. In 2013, 76 countries had laws against domestic violence, up from 13 in 1995. Yet gender-based violence—perhaps the most extreme constraint on voice and agency—remains a global epidemic, affecting more than one in three women over the course of a lifetime. Women also hold roughly twice as many parliamentary seats as they did about 20 years ago, but that's still only about 22 % of seats globally²¹.

2.2. Mandate of this report and context

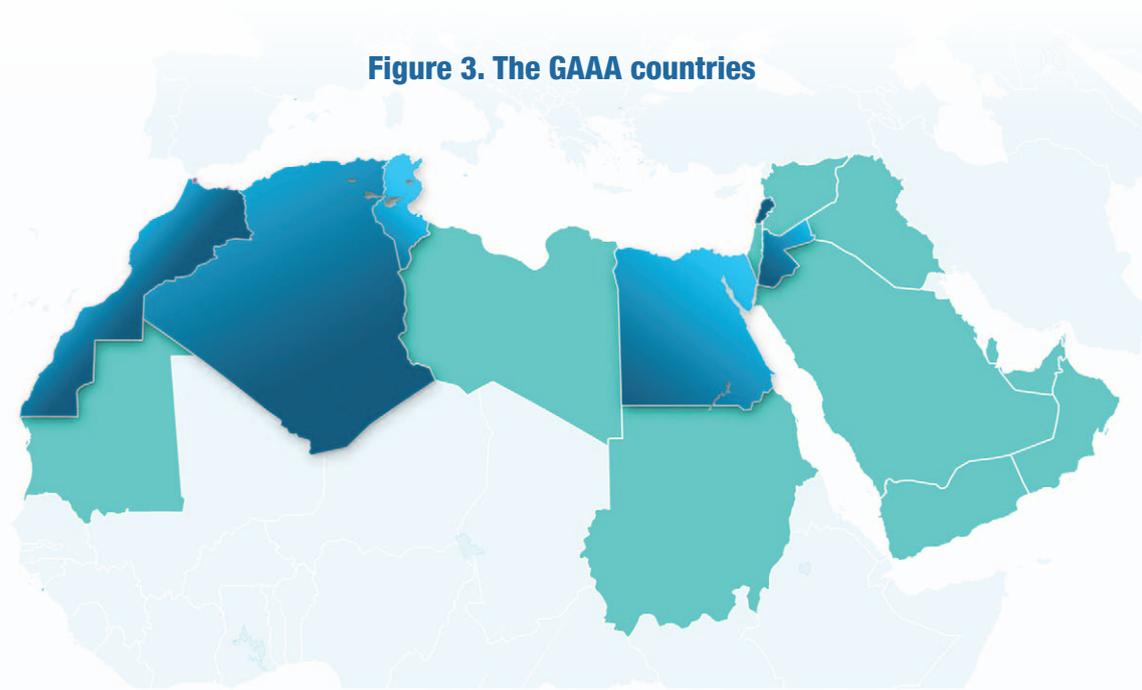
Based on the above the Center of Arab Women/CAWTAR and the Swedish International Development Cooperation Agency/SIDA signed an agreement²² related to economic empowerment of women with focus on their participation to and presence in Trade markets at national, regional and international levels. The pilot phase of the project “Empowering Women towards Gender Equality in the MENA Region through Gender Mainstreaming in Economic policies and Trade agreements” intends to produce data and information to present evidences that show a correlation between Gender, economic empowerment and women participation in Trade to be used in advocacy, policy dialogue towards Gender Equality.

Appropriate resources material and tools will be made available for that purpose in an aim to support women as individuals and in cooperatives, SMEs, family business or corporates, to help them find their place in par with men in their economies, including in Trade markets, their societies and families. The overall long term objective of this project is to provide support and technical expertise on gender and human rights integration in economic policies and Trade in the Region, and support the monitoring and evaluation of the Sweden-MENA cooperation and development work in relation to the Sweden Feminist Foreign Strategy on one hand and the implementation of the Regional Strategy for Sweden's Development Cooperation and the CAWTAR Strategic Plan of Action in MENA and its operational framework, on the other.

Given that this is a pilot phase, only six countries were targeted by the project: three from Middle East (Egypt, Jordan and Lebanon) and three from North Africa (Algeria, Morocco and Tunisia) to assess, audit and analyse/GAAA related policies, programmes and services as well as legislation, rules and regulations, from gender and Human Rights perspectives. Both data on number and/or type of economic interventions in the MENA region and selected countries are also covered by the exercise. Against this backdrop, this report highlights the economic activities, including trade related activities; women are taking part of, where and how their access is negotiated.

21. World Bank Definition: GNI per capita - Gross national income (GNI) is the sum of value added by all resident producers plus any product taxes (less subsidies) not included in the valuation of output plus net receipts of primary income (compensation of employees and property income) from abroad.

22. December 2017-June 2019



Technical and institutional capacity building has been initiated from the starting point to ensure Gender and Human Rights considerations in Economy and Trade. The findings of this exercise were shared and disseminated throughout the process till the launching of this regional synthesis/report and country reports and booklets.

2.3. The problem/issue and related assumptions

Gender based-discrimination and consequent gaps are apparent as shown in available sex-disaggregated data across development areas and human rights in terms of employment, wages and pay, labour-time, access to productive inputs and social entitlements, as well as the allocation of paid and unpaid work. Gender construction influences both causes and consequences of poverty.

Even if according to the “Women, Business and the Law 2016” report²³, 65 economies carried out 94 reforms increasing women’s economic opportunities over the past two years, legal gender differences remain widespread since 155 of the 173 economies covered by this report have at least one law impeding women’s economic opportunities; the total number of legal gender differences across 173 economies is 943; in 100 economies, women face gender-based job restrictions; 46 of the covered economies have no laws specifically protecting women from domestic violence noting that in 18 economies, husbands can legally prevent their wives from working. Lower legal gender equality is associated with fewer girls attending secondary school relative to boys. This includes also a wider gender wage gap with fewer women working or running businesses.

Likewise, in the MENA Region, economic participation of women faces up multiple obstacles and barriers in both public and private sectors. In the same way as many other regions in the world, women in MENA countries are involved in trade but it is often a small-scale trade activity and a petty trading. The earned income is often used to support their reproductive role and improve economic resources of their family rather than used to grow their trade activities.

23. World Bank Group. 2015. Women, Business and the Law 2016: Getting to Equal. Washington, DC: World Bank. doi:10.1596/978-1-4648-0677-3. License: Creative Commons Attribution CC BY 3.0 IGO

In line with various studies and more particularly the analysis of ITC's Non-Tariff Measures Surveys across 20 countries²⁴, women's businesses are much less numerous in international trade than men's as herewith illustrated just for instance for Tunisia²⁵:

Table 2: Ownership and management of firms, by sex, in Tunisia²⁶

Men-owned and managed	Women-owned	Women-managed	Women-owned and -managed
92.70%	0.70%	6.00%	0.70%

The reasons for underrepresentation are multiple: undoubtedly economic but also institutional (laws, regulations and practices) cultural and societal mainly due to the gender construction and distribution of labour. As a consequence, such limited access to and control of resources which include financial and productive resources result in time constraints, workload and difficulties of conciliation between professional and family obligations... Moreover²⁷, these barriers are the main causes for the small number of women-owned businesses that are in comparison to men-owned businesses' less productivity.

Due to their small size, women-owned firms also suffer disproportionately from trade-related fixed costs, such as non-tariff measures. For these reasons i.e. small business size and limited productivity, women-owned businesses do not have the capacity to compete in the market, let alone in international trade as highlighted by the ITC. In addition to that, women tend to be more affected by the negative side effects of trade liberalization and are facing bigger challenges than men when it comes to taking advantage of the opportunities trade offers. Furthermore, businesswomen are exceptionally involved not to say excluded from public policies and strategies and consequently unable to benefit from trade opportunities, higher technology and higher wages.

It is fair to claim that historically gender hasn't been studied alongside trade, because both economy and trade were thought of as "not concerned" considering there is no evident or declared discrimination in policies, strategies and/or Trade Agreements. Therefore, how would it be possible to explain the existing gender gaps and related figures?

- If there is no discrimination against women, what would be the causes then?
- Can low participation and benefits of women in economy and trade be explained by the way their provisions are implemented in the ground?
- How to address the differentiated effect of trade policy on economic and social activities on men and women when they do have the same capacity and opportunity?

Worldwide, women and men have different roles implying different access to and control over resources to only quote time, ownership and productive resources (land, credit, and their own labour) in addition to participation in decision-making in both private and public lives. Gender distribution of labour and roles also has a different impact and influence on trade patterns and policies. Yet, Gender, a complex component, and its impact have often been left out of analysis when it relates to effects of structural adjustment and Trade Liberalisation on women..

The rationale of implementing this project is to utilise various means and tools in order to understand how economic participation of women including in Trade markets is hindered by diverse obstacles and what are the barriers that undermine their advancement whether legal, political, economic, cultural or societal?

24. quoted in "Unlocking Markets for Women to Trade", the International Trade Centre/ITC 2015

25. the only available data for the region and one of the project's covered countries

26. Source: ITC NTM Surveys in 20 developing countries, 2010 to 2014. Available at: www.ntmsurvey.org quoted in "Unlocking Markets for Women to Trade", The International Trade Centre/ITC 2015

27. Idem ITC and other sources

3. The methodology and tools

3.1. The target countries and field

As a pilot phase, only six countries were targeted by the project: three from the Middle East (Egypt, Jordan and Lebanon) and three from the North Africa (Algeria, Morocco and Tunisia) to assess, audit and analyse related agreements, policies, programmes and services as well as legislation, rules and regulations, from gender/GAAA and Human Rights perspectives.

According to the data based on the latest United Nations Population Division estimates, the current estimates (live population clock), historical data, and projected figures, the population of the 6 countries covered by the project in 2019 is 208,401,803 inhabitants²⁸ with more or less 50% of women.

3.2. The methodological framework and tools

3.2.1. The framework

It is also worthy to note that from the start, CAWTAR-SIDA were aware of the time sensitive nature of carrying out this task. This consideration was mainstreamed throughout the planning and completion of this report. To this effect, the first step was to prepare supporting documents based on the needs assessment for each country team and for the regional synthesis purpose.

The methodological approach utilised to structure, elaborate and develop this report relied mainly on a mixed methodology of quantitate and qualitative approaches. At the outset, the exercise was organized at two main levels. Each level was divided into benchmarks to monitor and evaluate the progress mid-term and at the end of the project. The main two levels are:

a. **Designing** the Gender and Trade profile for each country; and develop an inter-sectoral analysis within each country context providing the availability and accessibility of relevant data, methodology and tools:

- Data collection and analysis
- Desk review
- Situation/Context analysis
- Gender Assessment, Audit and Analysis that includes desk audit and field research.

b. **Undertaking** with the main stakeholders both claim holders and duty bearers, an assessment and analysis of main economic and trade documents from one part and appraise their own knowledge, attitudes and perceptions from the other part :

- Stakeholders' analysis (brainstorming meetings, national and regional seminars with main partner & actors),
- Mapping of main actors and stakeholders involved in women's economic empowerment and/or trade programmes,
- Pilot Rapid Assessment (questionnaires, face to face Interviews and focus groups).

28. Egypt (101,168,745), Algeria (42,679,018), Morocco (36,635,156), Tunisia (11,783,168), Jordan (10,069,794) and Lebanon (6,065,922) <https://www.worldometers.info/world-population/population-by-country/>

3.2.2. The Main Steps

The process of selection, preparation and implementation of the project consisted of the following main steps:

- **Data Collection and analysis**

The task focused on the already available data and made efforts to collect the most recent including amongst qualitative studies and researches. The process consisted of collecting primary and secondary data resources. The value of this approach, as a myriad studies show on mixed methodology, is that most often it results in multiple benefits in terms of accuracy, replicability, adherence and contextualized characterization and analysis.

This step collected data disaggregated by sex, age, regional and other socio-economic variables. A systematic approach was followed to ensure data collection was carried out on a two-tiered process on national, regional and international levels.

The objective of this step was to create gender and development baselines. By adopting qualitative and quantitative research and methods, this stage was designed to set up an approach that proved to be extremely helpful as an efficient tool for the situation analysis; and later as to set evidences for policy dialogue and advocacy. Moreover, as it turned out later on, it proved also useful to use these data and figures as indicators for strategic planning and results- based-management.

- **Desk Review/Research**

The undertaken exercise consisted of a secondary research to assess, collect and review the information already available in the existing documentation including available quantitative and/or qualitative data. Conducting desk research was not only about collecting data but instead, reviewing previous research findings to gain a broad understanding of the field in relation with the area of interest. Comprehensive literature review and analysis: This step was crucial to establishing the context, background and/or importance of the topic. At this particular stage, policies, programmes and legislation at national, regional and international levels were collected, analysed and gaps were identified.

The more related legislations (laws, decrees, and decisions), policies, strategies and programmes of the 6 covered countries have been surveyed, reviewed and analysed to determine the state of art related to: Equality vs various forms of discrimination in public and private spheres e.g. Constitution, Personal Status/Family laws, Labour and social protection laws... All other laws related directly or indirectly to economy, investment & Trade (e.g. legislation and regulations relating to taxation, investment, customs, banks, loans and credits...).

CAWTAR shared with the six country teams a specific legal assessment and analysis material to be refined/updated/adapted by them, if and when need be, and analysed in reference to the area of interest of this project and its target population.

- **Gender Assessment, Audit and Analysis**

The GAAA methodology and related tools were specially prepared and/or adapted to this exercise to support and refine the situation assessment and analysis through the review of relevant documents e.g. trade agreements and economic policies & strategies representing the whole corpus. Four GAAA tools are used to appraise, through assessment, auditing and analysis, to which extent the different economic and trade related documents (agreements and policies), target equally women and men in terms of equal access and control of resources to ensure they enjoy rights and assume their duties without any form of gender-based-discrimination.

The objective of the exercise is to provide concrete evidences on how gender and consequently human rights are, or are not, incorporated into trade agreements signed by the country, related laws, rules & regulations and programme/projects. The findings of the review and analysis will help identify the best ways to fill the identified gaps towards gender Equality in Human Rights in this case in economic development with focus on Trade.

The four Gender and Human Rights/GHR and Trade tool/GHRT tools designed for that purpose and organised in four chronological phases are herewith listed:

- **First Phase: The GHRT quantitative content analysis tool** is used and designed for the first phase of this exercise and will be tested to finalise the rating table. Its purpose is to check and count the number of times a given GHRT concept or keyword among the selected list of twenty two is used (quantitative) such as discrimination, equality, gender, men and women, empowerment... taking into account the context in which these keywords are used for the purpose of qualitative analysis and interpretation of the quantitative findings.
- **Second Phase: The GHRT qualitative content analysis/the Check list** in its qualitative review and analysis of the content intends to check, count and analyse if the utilised language is sensitive to Gender and Human Rights and if the mainstreaming is made in all policy making and/or programming processes: starting from the assessment and analysis of the situation and related gender diagnosis, selection of priorities to the stated objectives, planned and implemented actions to the expected and achieved results and finally M&E mechanisms and indicators.
- **Third Phase: The Gender Continuum Tool** consists of a framework that appraises the process, the approach and interventions from gender blind to transformative vision towards Gender Equality and Human Rights. Accordingly, and based on an analytical appraisal of the documents it intends to better understand to what extent the reviewed documents can be considered as 'gender blind, negative, neutral and sensitive'; and to also understand if programmatically --or the executive plan of the agreement in this case--, gender is 'informed, responsive and transformative.
- **Fourth Phase: The Fair Trade Principles Check list:** The World Fair Trade Organisation/WFTO prescribes 10 Principles that Fair Trade Organisations must follow in their day-to-day work and carries out monitoring to ensure these principles are upheld. Due to their trade context and their consistency with gender and human rights, it was considered to create the 4th tool specifically for this exercise in order to assess to which extent the corpus, reviewed and analysed at each phase and with each tool (1, 2 & 3) could be "Fair Trade sensitive" to complete the landscape, even if the reviewed and assessed documentation is not of a Fair Trade Organisation. The levels of the appraisal are the 10 principles themselves to be searched and checked in the selected material particularly in the more specialised documentation, (economic and trade policies) and findings of each phase as it is expected.

- **The mapping**

This exercise included (but not limited to); governmental bodies, representatives of the private sector, trade unions and councils, entrepreneurs and other non-governmental organisations. Furthermore, the exercise reached out to include any other intervening parties from public and private sectors and related mechanisms (e.g. commissions, committees...) with direct or indirect involvement with women's economic empowerment through trade activities in addition to regional and international organisations providing technical or financial support at country level. The same assessment was made at regional and international levels.

- **The Field Research**

It consisted of a Pilot Rapid Assessment. Due to the time constraints and other technical difficulties, the "Pilot Rapid Assessment"/PRA initially planned as face-to-face interviews, consisted on a dissemination of GAAA questionnaires to collection of data and analysis of findings at country and regional levels. The GAAA questionnaire was mainly used as a test during this one and a half year pilot phase of the project to be subsequently reviewed, refined and adapted to the Trade sector. A series of focus group discussions and in some cases individual face-to-face interviews were also conducted to review and confirm the findings of the questionnaires.

4. Structure/body of the Report

Part I: Gender Equality, Human Rights and Development

Provides the conceptual framework in which both quantitative and qualitative analysis will be made. The collection of data and information will allow making a state of art of the situation on "Gender equality and human rights" thanks to the desk/documentary review (global context) and will concern in particular development indicators that should be considered as Human Rights indicators. The review of the legislation managing private and public life will define the state of art of women and men legal rights including economic from gender and human rights perspectives and thus will concern country international commitments. The initiatives taken by the covered countries to operationalize their international commitments will be also assessed, such as national mechanisms whether specific institutions or special measures, policies and strategies related to women empowerment, including economically are taken towards gender equality.

Part II: Gender, economy and trade

In this part, the Economy, economic activities and Trade definitions will be provided and a Gender and Trade framework will be set up. The Gender Assessment, Audit and Analysis methodology and tools will be exposed as well as the step-by-step implementation process. The findings of the GAAA conducted in the six countries will be presented. The field survey on a Pilot Rapid Assessment (Questionnaires and Focus Group Discussions) of the main Gender & Trade stakeholders from public and private sectors, governmental institutions and non-governmental organisations are also reported.

Overall Conclusions & recommendations: “Gender & Trade Diagnosis: Vision of the future”

A wrap up will be made focusing on economic and trade related or influencing indicators are shown thanks to the available sex-disaggregated data and provide an economic and trade outlook focusing on the six countries. Based on the findings of PART I and PART II, correlations will be established thanks to a transversal reading and analysis to highlight the achievements that contribute --or have contributed-- directly or indirectly to Gender Equality as a whole and as regards to economic participation and empowerment with a focus on trade. The identified remaining gaps will help determine the barriers and the factors that contribute --or have contributed-- directly or indirectly to widening the gender gaps and reinforcing discrimination against women as a whole and in the area of economic participation and in international trade, in particular.

The whole analysis process (problem, objectives, initial hypotheses, methodology, solutions obtained) will be summarised to present work boundaries that are intrinsic/extrinsic to the work itself (GAAA including PRA) or project (pilot phase) as well as national/regional) context. Ways to improve this work are suggested including in terms of development of networking and partnerships. Corresponding to the findings of the Gender and Trade State of Art and resulting consultations with and validation by stakeholders at national and regional levels, priority recommendations and strategic interventions are proposed, towards prioritisation and planning of results for short-, medium- and long-term change and the achievement of gender equality in trade-driven economic development, in consistency with the 2030 Agenda and the SDG5, as a bedrock of any intervention or action.





PART I : GENDER EQUALITY, HUMAN RIGHTS AND DEVELOPMENT

PART I : GENDER EQUALITY, HUMAN RIGHTS AND DEVELOPMENT

INTRODUCTION

The Part I is organised to present the main findings of the desk review and analysis of the overall, regional and country contexts supported by quantitative and qualitative data and information as herewith outlined. It is organised in three chapters:

- **Chapter I-I:** Gender Concepts, principles and Parity
- **Chapter I-II:** Development and Human Rights Indicators
- **Chapter I-III:** Legal & Policy frameworks towards Gender Equality

1. The process

Given the limited time but also to ensure harmonisation of the work for the purpose of comparability, CAWTAR prepared and shared with the country teams the methodology and tools supported by three essential documents to be discussed during the first technical meeting:

1. The Gender conceptual, referral and framework to ensure harmonisation of vision, principles and concepts among the analyst/auditor teams and partners. This framework will be considered as the conceptual and technical background for the desk review and situation analysis/SitAn and the GAAA exercise.
2. The methodology to be used in the two main phases to allow an efficient and consolidated organisation of the work among the teams, noting that the findings of the Gender & Trade Country Profile/ reports constitute the bedrocks of the hereunder regional synthesis and related report with focus on the 6 countries as case studies.
3. The GAAA related tools, including questionnaires and data collection templates for an easier and efficient utilisation (to be detailed in PART II).

The country and project teams met in Tunis in March 2018 for an in-depth briefing on the project, its objectives and expected results as well as for a training on the methodology and tools using the learning-by-doing approach.

The process was supported by systematic consultations among the GAAA CAWTAR teams at country and regional levels starting with the 1st technical meeting & training (March 2018) and through a series of national and regional stakeholders analysis with a number of national launching meetings and regional technical meetings (LAS and Arab regional organisations) till the Regional Seminar (January 2019) where the preliminary drafts were presented and their results validated. A last round consisted of a final feedback from the countries and the main stakeholders (mechanisms such

as commission or committees and ministries of commerce) as well as a number of professionals and governmental organisations. In some countries, a national consultation was conducted to get feedback from all concerned parties (Egypt, Jordan and Lebanon).

2. The approach and organisation of the work

The approach focused on the already available data with special efforts to collect the latest, including among qualitative studies and researches at national, regional and international level.

- Comprehensive literature review and analysis of development and human right indicators, national legislation and international commitments of each concerned country, policies, programmes ...;
- Field assessment and analysis of findings linked to the Situation analysis (collected/analysed data and information, literature/desk review...), and
- Finalisation of evidence-based conclusions for effective recommendations.

Taking into account the conceptual, referral and operational framework, the approach/methodology will be organised as follows:

- Data collected disaggregated by sex, age, regional and other pre-determined key factors, for the purpose of creating a baseline to be used for the situation analysis and later on as evidences for policy dialogue and advocacy as well as indicators for strategic planning and results-based-management.
- The outlines and the drafts of the tools such as data collection tables and templates, diagrams if required by the collected data, were shared among the teams to ensure that data sets and collected data & information are relevant to the whole GAAA exercise and harmonized among the countries.
- Information gathered to set up a mapping on the main actors and stakeholders, governmental institutions and non-governmental organisations and any other intervening parties from public and private sectors and related mechanisms (e.g. commission, committee...).

As a matter of fact, data collection was an issue throughout the process, not only in terms of availability but also and above all in terms of publication date which could refer back to the year 2000 hence undermining the criteria of relevance harmonisation and comparability. For example, all countries are expected to have national trade registers, yet accessibility was an issue. Unfortunately, not all teams were able to access such data and when it was possible, only sex disaggregated data were collected but no information was accessible regarding the type or volume of the trade activity.

The exercise is organised at two levels/steps:

- Designing the Gender & Trade Country profile/GTCP and sector if any: desk review and situation analysis/SitAn of the country specific context (PART I),
- Undertaking the GAAA with the main stakeholders both claimholders and duty bearers (PART II).

Based on the above, a consolidated structure was prepared for the Gender & Trade Country Profile/GTCP (country report).





CHAPTER I-I

Gender Concepts, Principles and Parity

CHAPTER I-I: Gender Concepts, Principles and Parity

SECTION I-I.1. The Gender and Human Rights Conceptual & referral Framework

1. Gender Conceptual Framework

1.1. Sex vs Gender: Biological vs Social

“Sex” as a biological category – genes, hormones, external and internal genitalia is to be differentiated from “gender” as a socio-cultural word – learned characteristics, cultural expectations and behavioral patterns defining women’s and men’s gender identities on the basis of their specific male and female bodies²⁹ and characteristics. It is worth noting that this word took also economic and political “colors”.

Therefore, Sex and gender can be considered in biological and sociocultural ways³⁰. This helps account for differences in the notion of “masculinity” and “femininity” in different cultures over time and space. “The different views of how men and women behave in different cultures show that gender difference and identity is given not only by our biology but also from the views of our society. Gender views may change, while being male or female doesn’t”³¹.

From birth and all the way through adulthood, girls and boys are raised to accept what they may or may not envision for their futures depending on the sex they are born with: male or female. In fact, their worth as human being/s is weighed based on the sex they are born with from one part and the society and culture(s) they belong to, from the other.

1.1. What is Gender?

As stated in its paragraph 5, for the General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women/CEDAW “(...) the term gender refers to socially constructed identities, attributes and roles for women and men and society’s social and cultural meaning for these biological differences resulting in hierarchical relationships between women and men and in the distribution of power and rights favoring men and disadvantaging women (...)”³².

29. <http://talkitover.in/self/gender-stereotypes>

30. Image 1 <https://i.pinimg.com/236x/71/40/56/714056a643fa5d67c301d8473ef9f1c1--psychology-gender.jpg>
Image 2 https://financialtribune.com/sites/default/files/field/image/17january/12_men.png

31. <http://talkitover.in/self/gender-stereotypes>

32. CEDAW/C/2010/47/GC2., <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW-C-2010-47-GC2.pdf>

Box 1

Gender is a socio-specific construct: The widely shared expectations and norms about appropriate male/man or boy and female/woman or girl being. The differences between women's and men's roles through life cycle across cultures and societies confirm that gender has nothing to do with the universal biological differences even if they are universally used to justify the sex and gender-based discrimination and segregation.

1.2. Social construction of Gender

The differences between women's and men's place and roles through life cycle across societies, cultures and economies confirm that gender has nothing to do with the universal biological differences even if they are universally used to justify the sex- and gender-based-discrimination and segregation. Indeed, the value which is granted by the society to women and men will intimately depend on the vision this society has as regards the place and roles women and men are supposed to occupy and play within the society, mainly in reference to their sexual function and reproductive capacity. Talking about "social construction of gender", doesn't mean that women and men are exactly the same, but refers essentially to the economic, social and cultural attributes associated with being male or female, boys and girls, women and men, and their socially prescribed status and roles which often determine their opportunities and potential in a particular social setting and at a particular point in time. Their choices are often confined by predetermined notions of what each one of them can expect, based on his/her sex and related gender roles as well as status rather than their individual capacities or aspirations, thereby greatly limiting their potential contributions to family, society and national development, as well as their self-development and participation as full-fledged citizens³³... It is worth to note also that other factors influence and even determine the social construction of gender to only quote race, class, caste, age, marital status, economic situation, political context and climate...

Box 2

Gender Based Division of Labour refers to the roles assigned and recognized by the society to men and women. These Roles depend on women and men's status in the society. They evolve through life cycle and change in space and time.

1.3. Gender construction of society

Gender Construction of Society refers to the socially constructed roles, behaviors, and relationships attributed to women and men and accordingly to the economic and social attributes as well as opportunities associated with being male or female in a particular social setting at a particular point in time. Gender construction and foundation of the values and norms' system will also define the societal and public institutions functioning. Indeed, most cultures have social customs and activities

33. UNFPA's SWOP 2005: The Struggle for Equity: Gender Equality, Reproductive Health and Rights –Pathways to Poverty Reduction and Development

that are associated with males and females usually conveyed first by the family and community to be supported by other social institutions such as Education System, Media, Legislation... however across cultures there are differences between women's and men's roles, rights and duties.

Box 3

Gender is a culture-specific construct: The widely shared expectations and norms about appropriate male and female, girl and boy, man and women being. Gender is rooted in culture and environment. Therefore Gender (social) has to do with how we think, how we feel and what we believe we can and cannot do because of socially defined concepts of masculinity and femininity.

1.4. Gender organisation & construction:

In most cases, Gender is organised at three levels: the roles (should do), the values (nice vs bad) and the stereotypes (should be). The borders between the three of them need to be well defined to ensure an accurate analysis towards gender diagnosis though assessment of chores and burdens, access to and control over resources and related gaps, as the only way to identify the unmet gender needs both practical and strategic. These levels could be synthesized as follows:

Society prescribes specific roles for girls and boys, women and men, but values them differently. The value which is granted to women and men by the society will intimately depend from the vision this society has regarding the place and roles women and men are supposed to occupy within the society with a main referral: their sexual function and reproductive capacity. Gender Stereotypes can be defined as “social and cultural construction differentiating between men and women based on physical, biological, sexual criteria, and social functions that are specific to men or women³⁴”.

Gender norms, values and stereotypes constrain the opportunities of women and men, girls and boys, through different pathways. However, most gender-based inequalities have historically put females at a disadvantage particularly in political and economic spheres.

1.5. Gender characteristics of social construction and organisation

Gender is defined by a number of characteristics: relational men and women within a given society, hierarchical (unbalanced power relationships), subject to change and depend on specific context (one size doesn't fit all) and Institutional (e.g. mainstreamed in social systems such as family and school, legislation, policies, medias...). Because the characteristics that are granted to the feminine and to the masculine, to girls and boys, women and men are widely defined by the societal, economic and political institutions as well as by culture as a whole: their gender “belonging” will be a major factor to determine both risks and opportunities they will likely face very early in their life, particularly when it relates to their rights.

34. Roman Diane, “Les stéréotypes de genre, ‘vieilles lunes’ ou nouvelles perspectives pour le droit ?”, in Regine, Ce que le genre fait au droit, Paris, Dalloz, 2013, pp. 94-95. Quoted in Elsa Fondimare, “Le genre, un concept utile pour repenser le droit de la non-discrimination”, La Revue des droits de l'homme [En ligne], 5 | 2014, mis en ligne le 20 mai 2014. The author identifies three types of gender stereotypes that differentiate men and women: first, beliefs related to intellectual and psychic qualities, “At the masculine rationality and determination would oppose sensitivity and female irrationality”; second, those concerning physical abilities, “At the masculine force would oppose female fragility”; Thirdly, the distinction of social functions, “Man the support of the home and the woman the guardian of it.”

2. Gender Referral Framework and principles

During the 1995 United Nations Fourth World Conference on Women, governments adopted the Beijing Declaration and Platform for Action, which “seeks to promote and protect the full enjoyment of all human rights and the fundamental freedoms of all women throughout their life cycle”. Confirming then the Gender principles i.e. Gender Equality, Equity and Empowerment of Women/GEEEW - were clearly stated for the first time and adopted officially by the International Conference on Population and Development/ICPD held in Cairo in 1994. The main bedrock of the ICPD is that Equality can be achieved by eliminating all forms of discrimination and violence against women and reducing gaps between men and women: “Advancing gender equality and equity and the empowerment of women, and the elimination of all kinds of violence against women, and ensuring women’s ability to control their own fertility, are cornerstones of population and development-related programmes (Principle 4 of the 1994 ICPD-PoA³⁵)”.

Box 4

GEEEW principles are to be considered as a goal (Equality) and objectives (Equity and Empowerment) of strategic planning for Development towards equal enjoyment of full Human Rights and therefore they are also Human Rights principles.

2.1. Gender Equality

Gender equality is first and foremost a Human Right principle. Gender equality is the opposite of gender inequality, not of gender difference³⁶ (...). “Gender equality means that the different behaviors, aspirations and needs of women and men are considered, valued and favoured equally. It does not mean that women and men have to become the same, but that their rights, responsibilities and opportunities will not depend on whether they are born male or female³⁷”.

Gender Equality requires equal enjoyment, by men and women, of their full rights, as well as equal conditions and opportunities to achieve them, contributing to, and benefiting from, economic, social, cultural and political development. They should then be equally treated in access to and control over resources within the family, groups, communities and society at large. Gender equality is therefore the equal valuing by society of the similarities and the differences of men and women, and the roles they play³⁸ (...). They should benefit from equal treatment by society and its institutions, laws and policies.

The 2030 Agenda for Sustainable Development (2030 Agenda) contained in the document entitled “Transforming Our World: The 2030 Agenda for Sustainable Development” was adopted by the United Nations General Assembly on 25 September 2015. The most recent agenda seeks to leave no one behind and aspires to transform the world in which we live with a special focus on inequalities including those affecting all women and girls.

35. International Conference on Population and Development; ICPD Programme of Action, Cairo, 1994

36. Council of Europe: Gender Mainstreaming: Conceptual framework, methodology and presentation of good practices: Final Report of Activities of the Group of Specialists on Mainstreaming (EG-S-MS)

37. Gender Equality and equity, A summary review of UNESCO’s accomplishments, since the Fourth World Conference on Women (Beijing 1995), Unit for the Promotion of the Status of Women and Gender Equality, May 2000

38. [http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/BSF/GENDER/PDF/Baseline Definitions](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/BSF/GENDER/PDF/Baseline%20Definitions)

Gender Equality “means that women and men, girls and boys, enjoy the same rights, resources, opportunities and protections³⁹”. This principle is totally consistent with the goal of SDG5 “to achieve gender equality and empower all women and girls” and its targets:

1. End discrimination against all women and girls;
2. Eliminate violence against all women and girls;
3. Eliminate all harmful practices such as child marriage;
4. Recognize and value unpaid care and domestic work;
5. Ensure women participation and leadership in decision making;
6. Ensure universal access to sexual and reproductive rights.

2.2. Gender Equity: the way and mean

Because women and men are not equal at the starting point, due to social gender-based discrimination and other related differences as distribution of duties and responsibilities and multi-roles, equality is not always equitable. Gender Equity is a pro-active process of fairness and justice in the distribution of benefits and responsibilities between women and men taking into account the Gender Distribution of Labour and roles. It often requires putting in place measures to compensate for the historical and social disadvantages that prevent women and men from operating on a level playing field.

Gender Equity is a way and a mean: Equality is the result⁴⁰.

2.3. Women Empowerment: measure and mechanism

Empowerment is about people -both women and men- taking control over their lives: setting their own agendas, gaining skills, building self-confidence, solving problems and developing self-reliance⁴¹. To be able to benefit from resources and opportunities and enjoy their rights equally with men, women need to be empowered primarily through removal of obstacles related to the initial gender-based-discrimination and disparities.

Empowerment does not only involve taking “positive discrimination” measures or designing programs especially for women (mostly to help their families enhancing their socially recognized positive role). Women and girls’Empowerment means eliminating inequality as well as multiple and intersecting forms of discrimination they face and, ending the social, cultural, and institutional measures that strengthen such inequality and discrimination. This is the only way that will allow women to empower themselves, make their own choices and speak out to claim their rights.

3. Human Rights Referral Framework and principles

3.1. The Human Rights Referral Framework

The pursuit of human rights was a central reason for creating the United Nations (UN) in 1945 thanks to the signature of the United Nations Charter by the first fifty UN member states⁴². As of 2019, there are

39. UNICEF “Promoting Gender Equality: An Equity-based Approach to Programming”.

40. UNICEF “Promoting Gender Equality: An Equity-based Approach to Programming”.

41. Idem

42. <http://wwda.org.au/issues/unhrt/hrchart1/>

195 UN Member States⁴³, encompassing almost every recognised independent state. The United Nations Organisation/UNO aims to facilitate cooperation in international law, international security, economic development, social progress and human rights issues.

‘Human rights’ refer to the basic rights and freedoms to which all humans are entitled. They are the foundation of human existence and coexistence, recognised as fundamental by the United Nations and, as such, feature prominently in the Preamble of the Charter of the United Nations: “... to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small...”.

The UN Charter obliges all member nations to promote “universal respect for, and observance of, human rights” and to take “joint and separate action” to that end. The Universal Declaration of Human Rights/UDHR⁴⁴ consists of a Preamble and 30 articles setting forth the human rights and fundamental freedoms to which all men and women, everywhere in the world, are entitled, without any discrimination. UNO is the only international entity with jurisdiction for universal human rights legislation⁴⁵.

The 7 treaties considered as being the core United Nations Human Rights/UN-HR treaties with their adoption date and number of States Parties are the following: The Convention on the Elimination of Racial Discrimination/CERD (1965, 170 States Parties), The International Covenant on Civil and Political Rights/ICCPR (1966, 115 SP), The International Covenant on Economic, Social and Cultural Rights/ICESCR (1966, 115 SP), The Convention on the Elimination of Discrimination Against Women/CEDAW (1979, 115 SP), The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment/CAT (1984, 115 SP), The Convention on the Rights of the Child/CRC (1989, 115 SP), The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families/MWC (1990, 34 SP)⁴⁶. Each one of them is provided by a Treaty Body with the same name that monitors its implementation.

Today, all United Nations member States have ratified at least one of the seven core international human rights treaties, and 80% have ratified four or more, giving concrete expression to the universality of the UDHR and international human rights⁴⁷.

Box 5

“Human rights provide a common framework of universally-recognised values and norms and set out state obligations to act in certain ways or to refrain from certain acts. They are an important tool to hold states, and increasingly non-state actors, accountable for violations and also to mobilise collective efforts to develop communities and global frameworks conducive to economic justice, social wellbeing, participation, and equality. Human rights are universal, inalienable, interdependent and indivisible”⁴⁸.

43. This total comprises 193 countries that are member states of the United Nations and 2 countries that are non-member observer states: the Holy See and the State of Palestine

44. An advisory declaration adopted by the United Nations General Assembly (A/RES/217, 10 December 1948 at Palais de Chaillot, Paris).

45. <http://www.da.org.au/issues/unhrt/hrchart1/>

46. Pauline Hilmy: The international human rights regime and supranational regional organizations: the challenge of the EU: Michigan University of Michigan Law School, Journal of International Law Volume 36 | Issue 1, 2014

47. <http://www.un.org/en/sections/universal-declaration/foundation-international-human-rights-law/index.html>

48. Introduction to Economic, Social, and Cultural Rights <https://www.escr-net.org/rights>

3.2. The Concept/s and definition/s

3.2.1. The concept/s

The concept of human rights has a philosophical and legal basis with cultural and political implications. The concept of “universal” human rights faces huge questioning and challenges. As a matter of fact, the concept of Human rights is subject to different perceptions and definitions in different national, historical, societal and cultural contexts and varies according to the legal basis, its political functions and intentions which limit to a large extent an equal enjoyment by all human beings wherever they are.

Human Rights are the natural rights of all human beings bestowed on them by God. As such no one can give them and no one can take them away⁴⁹. Others consider human rights as moral, being held by every human being in virtue of the universal moral status of human beings. This is a subjective perception since moral codes in all societies are organised around the right vs wrong, the permissible vs The prohibited. The main question is who is able to decide on what is moral or not and what is the moral status? What would then then the human rights referral framework and therefore its borders?

The concept of human rights has been essential to the development of democratic systems and international institutions. Human rights are norms that help protect all people everywhere from severe political, legal, and social abuses. These rights exist in “morality” and in law, at the national and international level. The goal is to answer the question of what human rights are with a general description of the concept rather than a list of specific rights⁵⁰.

3.2.2. The definition/s

For the The Office of the United Nations High Commissioner for Human Rights/OHCHR “Human Rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible”⁵¹.

Human rights are the legal expression of what humans need, to have decent living. They are defined as the core values that grant dignity to people. Human rights including civil, cultural, economic, political, and social rights are now considered universal rights that are indivisible and interdependent and interrelated as stated by the Universal Declaration of Human Rights of 1948⁵².

3.3. The Human Right Principles

The core principles of human rights were first set out in the UDHR which states that human rights simultaneously entail both rights and obligations from duty bearers and rights owners⁵³. In the 2000s with the UN reform, an approach to development planning was adopted by the States Parties. The Human Rights Based Approach to programming/HRBAP operates on the basis of these principles as

49. John Locke, 1632-1704

50. Stanford Encyclopedia of Philosophy <https://plato.stanford.edu/entries/rights-human/>

51. Office of the High Commissioner for Human Rights, <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

52. James Crawford (ed.), *The Rights of Peoples*, Oxford, Clarendon Press, (1988) (reprinted as paperback in 1992) pp. X-236

53. <https://www.un.org/en/sections/universal-declaration/foundation-international-human-rights-law/index.html>

drivers of the process and stakeholders are defined from their rights and their duties without a fixed status: Rights holders have the duty to claim their rights, the duty bearers must enjoy their rights to assume their responsibilities/duties. “A human rights-based approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights⁵⁴(...)”.

3.3.1 Principle of Universality and Inalienability

Human rights are universal and inalienable means that all people everywhere in the world are entitled to all their human rights by virtue of being human. Human rights are acquired at birth by every person, by virtue of their humanity “All human beings are born free and equal in dignity and rights (UDHR, Art. 1)”.

3.3.2. Principle of Indivisibility

Human rights are indivisible means they are all inherent to the dignity of every human person. Consequently, they all have equal status as rights, and cannot be ranked, a priori, in a hierarchical order.

3.3.3. Principle of Inter-dependence and Inter-relatedness

Human rights are interdependent and interrelated means the realisation of one right often depends, wholly or in part, upon the realisation of others, e.g. the right to health may depend on the right to education, the right to information, or the right to citizenship.

3.3.4. Principle of Equality and Non-discrimination

Equality and non-Discrimination means that all human beings are equal and entitled to and should enjoy equally their human rights without discrimination of any kind, on the basis of birth, race, color, sex, ethnicity, age, language, religion, opinion (political or otherwise), national or social origin, disability, property, or any other status.

3.3.5. Principle of Participation and Inclusion

Every person and all people are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil, economic, social, cultural and political development that can ensure realisation of human rights and fundamental freedoms can be realised.

3.3.6. Principle of Accountability and Rule of Law

Accountability and Rule of Law means that States and other duty-bearers have a duty to respect, protect and fulfill basic Human Rights. They must comply with the legal rules and standards enshrined in human rights instruments – at least those, which they had ratified. Rights-holders are entitled, equally without discrimination, to file complaints before courts of law and institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law.

54. <https://hrbaportal.org/faq/what-is-a-human-rights-based-approach>

Box 6

“The United Nations Declaration on the Right to Development unequivocally established this right as inalienable and putting people at the centre of the development process considering everyone is entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized”⁵⁵.

3.4. *The Place of Gender Equality in International Law*

The international Law is defined as “a body of rules established by custom or treaty and recognized by nations as binding in their relations with one another”⁵⁶. It is also a “combination of treaties and customs which regulates the conduct of states amongst themselves, and persons who trade or have legal relationships which involve the jurisdiction of more than one state”⁵⁷.

Equality is the cornerstone of the international human rights law and equal development of human rights is one of its absolute conditions. For this reason, the advancement of the human rights of both men and women on the basis of equality is an absolute requirement of international human rights law: “the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom”⁵⁸.

Box 7

“The equal rights and inherent human dignity of women and men and other purposes and principles enshrined in the Charter of the United Nations, to the Universal Declaration of Human Rights and other international human rights instruments, in particular the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, as well as the Declaration on the Elimination of Violence against Women and the Declaration on the Right to Development” (Beijing Platform for Action, Para 8).

The UN Charter declares in its preamble “We the Peoples of the United Nations, determined (...) to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women (...)”⁵⁹. This engagement means that women are as men entitled to rights and those women rights are Human Rights: The human rights of women and the girl child are an inalienable, integral and indivisible part of the universal human rights.

The seven core international human rights treaties apply equally to men and women, and boys and girls. Two treaties are considered as the “international bill of human rights”: The Covenant on Civil and Political Rights/CCPR and the Covenant on Economic, Social and Cultural Rights/CESCR devote their article 3 to gender equality. This article requires from States to “ensure the equal right of men and women” in enjoying the rights set out in those treaties. One of the seven core international human rights treaties – the CEDAW– is exclusively devoted to gender equality. It is considered as the “international bill of Women Human Rights”.

55. The 1986 Declaration on the Right to Development, adopted by the United Nations General Assembly on 4 December 1986 <http://www.un.org/en/events/righttodevelopment/>

56. <https://www.merriam-webster.com/dictionary/international%20law>

57. <http://www.duhaime.org/LegalDictionary/I/InternationalLaw.aspx>

58. Preamble of the Universal Declaration of Human Rights

59. <http://www.icj-cij.org/documents/index.php?p1=4&p2=1&#preamble>

SECTION I-I.2. Situation Analysis: Framework and Process

1. The Scope of Work/SoW

The situation analysis not only prepares the ground and sets the scene, but also identifies the information gaps to guide where and how to fill these gaps and consolidate the contextual analysis, while deepening the current understanding of key issues. With priority data gaps selected in each country, tailored data collection plans are devised to address those gaps.

The SitAn exercise aims collection of quantitative and qualitative data and information in the different described phases (bibliography, mapping, literature/desk review...). It will consist of collecting all existing data and indicators related to gender equality and women empowerment in all development and human rights areas with focus on women economic participation, Trade sectors and markets at national, regional and international levels.

The situation analysis was conducted by 2 members of each country team in coordination with, supervision and technical assistance support of CAWTAR.

In addition to supervising the process to ensure realisation of this objective and expected results, CAWTAR provided the country teams with support and made available to them any relevant information and documentation, when existing in its data bases and/or among its network such as existing mappings, references, Policy & legal documents, reports including CAWTAR's Arab Women Development Reports as well as existing quantitative and qualitative data and information to support the country's work.

The situation analysis consisted of a number of phases which started with the preparation of the Scope of Work. The SoW outlined in this methodology was synthesized, harmonized and finalised during the technical meeting. Each team was required to contextualise it at the level of its country:

Preparation of the Scope of Work/SoW	
Economic Empowerment of Women and Gender and Trade
Factors to undertake the situation analysis of the country/sector
Objective/s of assessment/analysis
Assessment & analysis approach and related methods and tools
List of needed data (Sex-Disaggregated-Data/ SDD and gender Gaps indicators) and why?

2. Data Collection and Analysis

Data collection constitutes the first step in a statistical investigation. Data form the foundation of statistical method. If data are faulty, the conclusion drawn can never be reliable. Generally, data are of two types:

- Primary Data: originally collected for the first time for any statistical investigation.
- Secondary Data: previously collected and taken over from there to be used by any other than the initial producer. The secondary data were first collected to set and analyse the context but also helped in identifying what would be the data which needed to be collected during the GAAA exercise.

The process was initiated in January 2018 to have preliminary information to be reviewed during the 1st technical meeting and training and more specifically preliminary listing of main stakeholders on one hand and policies on the other.

Yet the presentation of all components and implementation of steps in relation with data collection & analysis were not made in a chronological order, except for some of them which depended on each other. To ensure harmonisation, a way to present data source and documentation was also proposed to the teams: Policy, legislation, rules and regulations documents together and others such as books, surveys, reports and the web links' referenced separately.

In its first part, the situation analysis covers the assessment gender parity index (Chapter I) and the Gender Equality achievements which were assessed quantitatively focusing on three selected areas i.e. Education Attainment, Participation in political and public affairs and economic empowerment and participation (Chapter II). The qualitative analysis concerned both public and private spheres covering legal and policy aspects. It was essential to understand why efforts made in the Region have made such a slight dent in gender inequalities.

The Gender and Trade/G&T data & information collection and analysis included reviewing existing surveys, databases, academic publications, white papers, program evaluations, and other influential sources available in various languages, in addition to qualitative research that addresses.

The above information will be organised by the team for each country to be reported in a table that must carry the different figures, when available and/or complete the table.

In addition to the other to-be used templates for overall gender data and indicators in various development and human rights areas, special tables will be set to collect more detailed sex disaggregated data in various trade sectors (business directory) depending on their availability in each country and if they are disaggregated by sex or not. In case of weakness of the information, specific questions will be integrated in the interviews.

Only consistent and comparable data and their possible harmonisation among countries have been compiled and consolidated at regional level for the purpose of comparison. However, some examples from a country to another were also selected due their pertinence.

This work intends to contribute as possible to national and regional efforts which should continue to be strengthened to improve the collection and use of data on Gender & Trade in both public and private sectors to produce evidences for policy dialogue and advocacy for change but also benchmarks for planning.

3. The literature/desk review

The review of the documentation pertinent to the objective of this exercise intends either to initiate or complete the data and information collection, through the assessment and analysis. The desk review's motivation is to respond to one or more questions such as for instance:

- Are the recorded low rates due to the discriminatory provisions in the national laws or somewhat shy policies?
- Are the country's policies, programmes and legislation related to economy and Trade contributing to reduce gender gaps or reinforcing them?
- The desk review particularly of legislation, policies and programme is an opportunity to assess if the country, institution or organisation's vision and political will are sufficiently and clearly translated in this documentation to achieve GEEEW and if so: are there any initiative, programme or tool and to which extent are they being applied (process, content and related indicators) to reduce gender gaps and achieve equality?

The review of documents (legislation, policies, programmes or projects) is to assess to which extent Gender is being mainstreamed and if Gender Equality and Equity are stated as goals and reduction of gender gaps as objectives to contribute to the equal achievement of women and men's Human Rights that can be evaluated thanks to S.M.A.R.T. indicators.

SECTION I-I.3. Gender, Rights and Development Indicators

1. Development indicators are Human Rights indicators

If gender-based-discrimination is a major development challenge in a given country and/or society, that means there are specific human rights violations affecting specific group(s) of the population: women and men as individuals because they are women or men, girls or boys but where women through their life cycle will be more affected thus jeopardizing the realisation of their human rights. Indeed, women have historically been subjected to discrimination mainly because they are Women and because they are women they can face other forms of discrimination (e.g. race, ethnicity, religion, social status, economic asset...).

Various forms of sex-based discrimination are based on socio-cultural stereotypes related to gender identity and gender distribution of labour that “cast” women primarily in the roles of ‘wives’ and ‘mothers’ and men in the specific role of “breadwinner”. Gender-based discrimination permeates all cultures⁶⁰ institutionalizing these socio-cultural stereotypes that are often manifested in the laws, policies, and practices of institutions⁶¹ including in development areas and interventions which could be easily appraised.

Noticeably, Gender and Human Rights gaps take different shapes and their impact varies with women’s age. These gaps may also vary from one country to another or from an area to another and where the private sphere occupies a privileged rank. They may vary from one community or group of people to another within the same country. These gaps exist all over the world; however, Arab states suffer more from such gaps compared to other countries. Arab states also lag behind in gender equality and in development and therefore in ensuring human and legal rights to their citizens as demonstrated by national, regional and international indicators and reports.

Box 8

Gaps in Development mean non realisation of Human rights: the defining and analysis of the status of rights is being then quantitative as well. Hence, in compliance with their international commitments, the State Parties have the obligation to respect, protect, promote and fulfill the human rights as stipulated by the conventions they have ratified and ensure that all citizens enjoy equally and without any kind of discrimination.

2. Gender Equality, Human rights and Development at global level

Reference to development indicators relies on statistics and available data annually published by national specialised agencies and/or international organisations based on national sources such as the Global Gender Gap report published since 2016 by the World Economic Forum. In the first years of its publication, the GGGR-WEF faced a lot of suspicion, in particular from the governments but more and more it succeeded in the mission for which it was thought and designed: not only creating

60. http://unrol.org/article.aspx?article_id=28

61. UN Women <http://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>

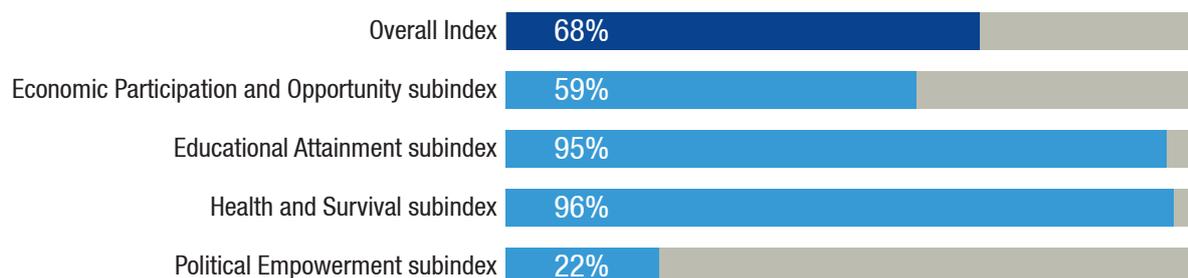
a solid and credible database but also a tool for advocacy for change and competition between countries in “who will do the best towards Gender Equality”.

More and more the GGGR is considered as the reference for the assessment of the progress related to Gender Equality at global, regional and national level. It is also a harmonized source of data for comparison. This is why it will be the main source of data for this report without neglecting other sources from the national, regional and international sources.

In its 2018 version, the GGGR-WEF confirmed as each year that, globally, even though many countries have made important steps towards Gender Parity in the education, health, economic and political systems much remains to be done as a whole including for the “good pupils” such as the Nordic countries or for the “bad students” like the MENA Region.

Indeed, while the Educational Attainment, Health and Survival gaps are significantly lower at 4.4% and 4.6%, respectively on average, the largest gender disparity is on Political Empowerment, with a gap of 77.1% and the “Economic Participation and Opportunity” gap is the second-largest at 41.9%. Among the four sub-indexes, on average, only the Economic Participation and Opportunity gap has slightly reduced since last year.

Figure 4: Global performance, 2018 ⁶²



The achievements in Education and Health as assessed and confirmed by all sources are also here the highest globally with respectively 95% and 96% despite some countries decline including in the MENA Region. According to the GGGR-WEF, when it comes to political and economic participation and empowerment, the world still has a long way to go: “The most challenging gender gaps to close are the economic and political empowerment dimensions, which will take 202 and 107 years to close respectively”.

3. Gender In/Equality in the MENA region

3.1. Gender Gap Index/GGI

Main international and regional Development actors and partners –international and bilateral cooperation- recognise that the living standards of households and societies have been enhanced and women’s situation and rights improved in the MENA region. However, countries are still facing challenges concerning the legal, political, social and economic aspects of women. Therefore, according to various international, regional and national sources and despite all efforts reported, Arab states continues to rank low on gender equality in comparison with the rest of the world.

62. Global Gender Gap Report, WEF, 2018 <http://reports.weforum.org/global-gender-gap-report-2018>

Box 9

Gender gaps and disparities are the concrete impact and results of gender- and sex-based-discrimination. Gender Equality is achieved when elimination all forms of discrimination against women or men wherever they are occurring and gender gaps reduced towards Equality.

One of the indicators that became a reference used by major concerned stakeholders at international, regional and national levels including governments is the Gender Gap Index/GGI⁶³. As clearly stated by the World Economic Forum/WEF, the GGI is constructed to rank countries on their gender gaps not on their development level". The Index is designed to measure gender-based gaps in access to resources and opportunities in countries, rather than the actual levels of the available resources and opportunities in those countries".

This certainly confirms that gender-based-discrimination practices have nothing to do with the development or economic growth but does not deny that gender gaps can jeopardize both development and economic growth.

In 2018, the top performing countries overall are Scandinavian countries with Iceland at the top with a score of 0.858 followed by Norway (0.835), Sweden (0.822) and Finland (0.821). Nicaragua (0.809) as the 1st South American country and Rwanda (0.801) as the 1st African country are respectively ranked at the 5th and the 6th place.

However since 2017 the WEF highlighted that while recognising great progress made by some countries, attention should be paid to the fact that globally, gender parity is "shifting into reverse" for the first time since the WEF started measuring it in 2006 "Weighted by population, in 2017, the average progress on closing the global gender gap stands at 68 % – meaning an average gap of 32 % remains to be closed worldwide across the four index areas in order to achieve universal gender parity, compared to an average gap of 31.7 % last year"⁶⁴. It is well illustrated by certain countries that have ups and downs from one year to another.

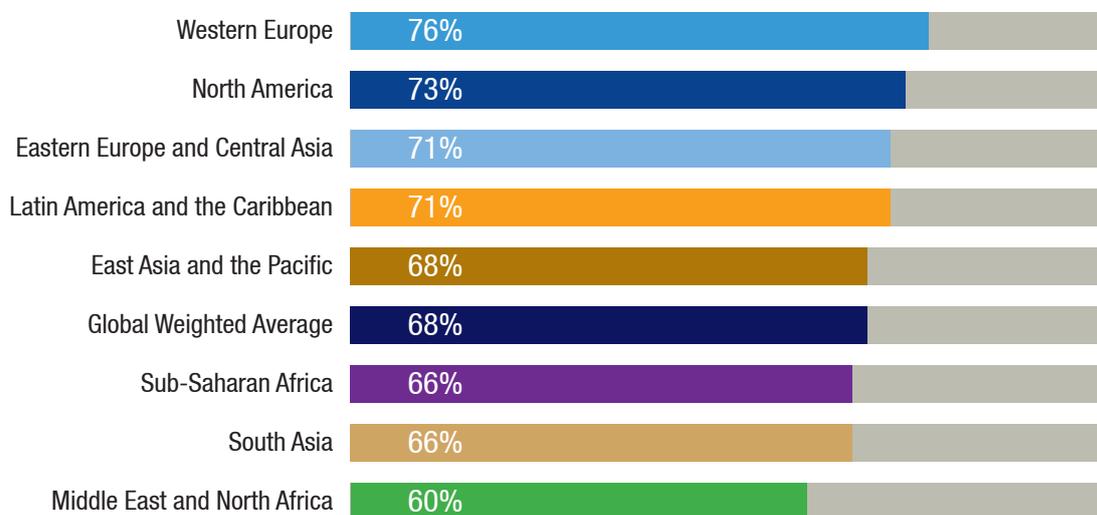
In 2017, the GGGR findings showed that the listed Arab countries crossed the threshold of having a gender gap of slightly less than 40% for the first time highlighting however that even with that rate of progress, it will take 157 years to close the gender gap in the MENA region. 2018 noticed a progress of more than 60% which will require countries in the region 190 years to close the overall gender gap.

As a matter of fact despite the progress, the MENA region was last since 2006. In 2018, it is still lagging behind South Asia.

63. Global Gender Gap Report, WEF, 2018 <http://reports.weforum.org/global-gender-gap-report-2018>

64. Global Gender Gap Report, WEF, 2017 <https://www.weforum.org/reports/the-global-gender-gap-report-2017>

Figure 5: Global Gender Gap Index 2018, by Region⁶⁵



Despite the recognised progress in the Region, the following Table 3 shows that Arab states continue to rank in the bottom row of the general ranking, the first in the region being Tunisia at the 119th place and Yemen at the 149th place ranking out of 149 countries, Yemen being always at the last place since the first publication of the GGGR in 2006 and its situation is far from getting better due to the effects of the war this country is undergoing.

Table 3 : Gender Gap Index/GGI: Ranking in MENA (2018)⁶⁶

	Country	Rank	Score
1.	Tunisia	119	0.648
2.	United Arab Emirates	121	0.642
3.	Kuwait	126	0.630
4.	Qatar	127	0.629
5.	Algeria	128	0.629
6.	Bahrain	132	0.627
7.	Egypt	135	0.614
8.	Mauritania	136	0.607
9.	Morocco	137	0.607
10.	Jordan	138	0.605
11.	Oman	139	0.605
12.	Lebanon	140	0.595
13.	Saudi Arabia	141	0.590
14.	Syria	146	0.568
15.	Iraq	147	0.551
16.	Yemen	149	0.4994

65. Global Gender Gap Report, WEF, 2018 <http://reports.weforum.org/global-gender-gap-report-2018>

66. Idem

In 2006, only 10 MENA countries were covered by the GGGR-WEF; the number increased through the years with some of them getting away for diverse reasons including unavailability of data, uprising or conflict (e.g. Tunisia, Syria) and coming back when circumstances improved while others joining at the same time. This year Oman re-enters the index and Iraq is integrated in the report for the first time.

As indicated in the 2018 GGGR-WEF, in terms of year-on-year progress, out of the 16 countries from the region covered by the Index in 2018, 10 have increased their overall scores compared to last year, while seven have decreased their overall scores.

3.2. The SDG Gender Index

After a pilot launch in 2018, “Harnessing the power of data for gender Equality: Introducing the 2019 EM2030 SDG Gender Index”⁶⁷ introduced a refined and very pertinent tool that will provide evidences for monitoring and evaluation towards 2030 Agenda and its 17 SDGs achievement as well as policy dialogue and advocacy for change. It will also represent a new competitiveness area among regions and countries.

The 2019 EM2030 SDG Gender Index includes 51 indicators across 14 of the 17 official Sustainable Development Goals and covers 129 countries across all regions of the world. Only 10 Arab States are included in this index. Each goal in the index is covered by three to five indicators, either gender specific or notbut nonetheless have a disproportionate effect on girls and women.

For the 2019 EM2030 Report, the overall score and individual goal scores are based on a scale of 0-100. “100” reflects the achievement of Gender Equality. Provided concrete examples are: all girls terminate their education, anaemia is eliminated, prevalence of contraception is 100%...

According to the 2019 SDG gender Index nearly 40% of the world’s girls and women live in countries failing on gender equality. Denmark is ranked with a score of 89.3 at the first position and Chad at the last (129th out of 129), with a score of 33.4.

Table 4 : 2019 SDG Gender Index scores and rankings by country		
Country	Rank	Score
Algeria	65	66.9
Tunisia	67	66.0
Jordan	85	60.4
Lebanon	86	60.2
Egypt	87	59.7
Morocco	88	59.3
Saudi Arabia	92	57.4
Iraq	103	52.3
Mauritania	124	45.0
Yemen	126	44.7

67. https://data.em2030.org/wp-content/uploads/2019/05/EM2030_2019_Global_Report_ENG.pdf

The score is evaluated according to a scale from 90 and above for excellent and to 59 and below for very poor. The 10 Arab States performances are poor (60-69) and very poor⁶⁸.

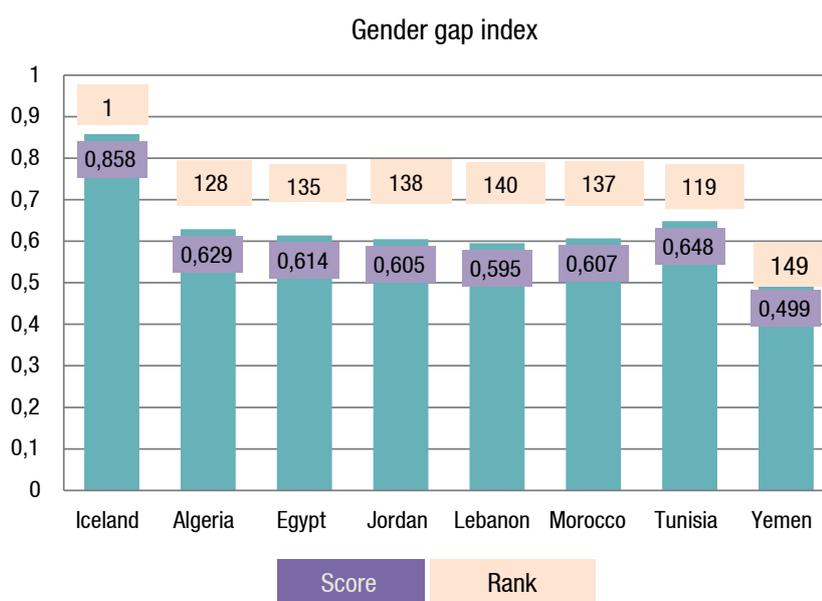
4. Gender In/Equality in the countries under review

It is worth to highlight (Table 5) that since the publication of the first GGGR report–WEF in 2006 till 2018, the performances of the 6 countries covered by this report are characterised by a stagnation in the bottom rows despite the achievements in some areas (e.g. Education and Health) and initiatives (e.g. legal and policy reforms).

Year	2006		2018	
Country	Rank	Score	Rank	Score
Algeria	97	0.602	128	0.629
Egypt	109	0.579	135	0.614
Jordan	93	0.611	138	0.605
Lebanon ⁷⁰	--	--	140	0.595
Morocco	107	0.583	137	0.607
Tunisia	90	0.629	119	0.648
Rank out of	115		149	

The herewith Figure 6 uses another way of comparison of the position of the six MENA/Arab countries under review with the first and last ranked countries.

Figure 6 : Gender Gap Index/GGI in the six covered MENA countries: Top and down⁷¹



68. https://data.em2030.org/wp-content/uploads/2019/05/EM2030_2019_Global_Report_ENG.pdf

69. 0.00 = imparity 1.00 = parity

70. Lebanon was not among the 115 countries in 2006

71. GGGR-WEF 2018, [http:// reports.weforum.org/global-gender-gap-report-2018/data-explorer/](http://reports.weforum.org/global-gender-gap-report-2018/data-explorer/)

Gender & Trade

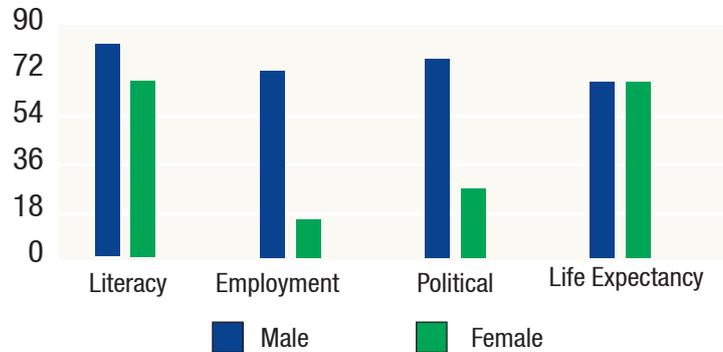
Algeria

In 2018, Algeria was ranked 128th on the Global Gender Gap Index.

Indeed, Algeria's has accomplished tremendous progress in closing the gender gap in Education for example; however, the country still lags behind in health and survival sub-index.

The Algerian Constitution and other positive laws clearly state the principle of Equality among citizens with no discrimination including based on sex.

Figure 7 : Overview on Gender Gap (ALG)

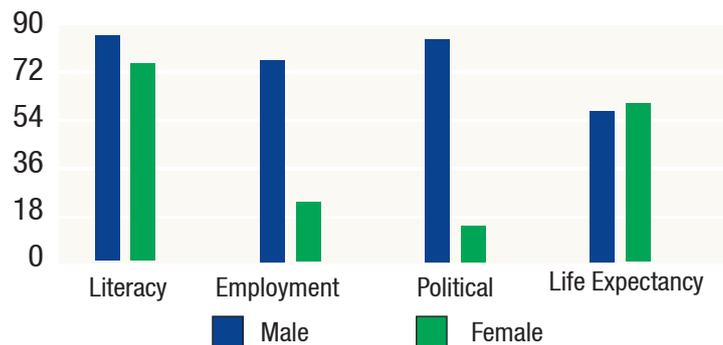


Egypt

In 2018, Egypt was ranked 135th out of 149 countries assessed the Global Gender Gap Index.

Despite the improvement in Education, two main sub-indexes show great gender disparity, labour force participation and political participation.

Figure 8 : Overview on Gender Gap (EG)



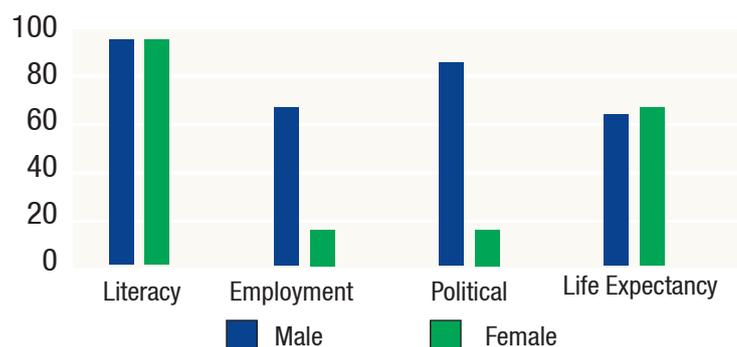
Egypt has taken concrete steps towards narrowing gender gaps in several areas namely socially, economically, and politically. Similarly, the constitution of 2014 has granted women equal rights to men in education, health and economic participation. Nevertheless, gender disparities in society have proven particularly persistent in all development areas, such as education, health, economic opportunities, and labour force participation.

Jordan

In 2018, Jordan rank on the Global Gender Gap index was recorded at 138th out of 149.

Little progress has been reported compared to the year before, showing only a slow progress on economic participation and higher education.

Figure 9 : Overview on Gender Gap (JOR)



Gender & Trade

Lebanon

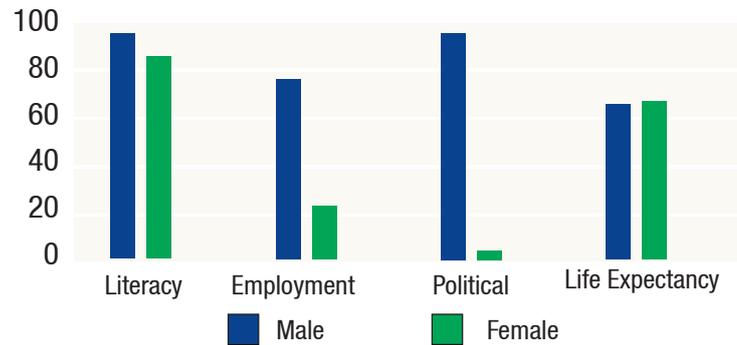
In 2018, Lebanon was ranked 140th out of 149 countries on the Global Gender Gap Index.

Despite the minor improvement in women's political participation, Lebanon remains far from achieving gender equality.

The Lebanese demographic is characterized as young, highly educated, multilingual, and technologically literate.

However, there is a lack of employment of this human resource of talent, especially among women, who are still far behind in employment and leadership positions particularly in male dominated leadership and economic related fields.

Figure 10 : Overview on Gender Gap (LEB)



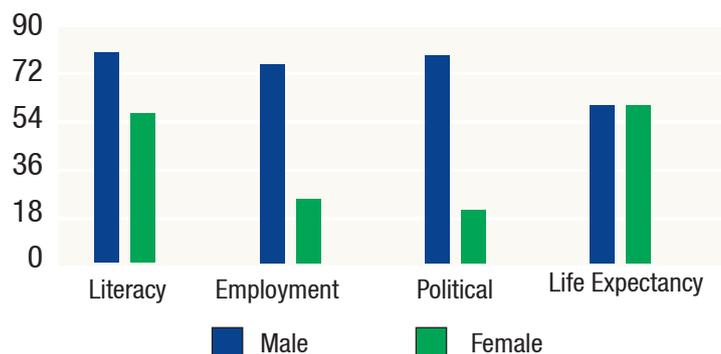
Morocco

In 2018, Morocco was ranked 137 on the Global Gender Gap Index.

Morocco continues to witness improvement in economic participation and educational attainment, particularly in post-primary education.

In 2012, Morocco has been engaged in a wide-scale plan under the governmental plan (ICRAM) which aims to close the gender gap in the country. ICRAM was planned to be implemented during the period 2012-2016 renewed for 2017-2021. Yet, as above showed, gender inequalities still persist in Morocco.

Figure 11 : Overview on Gender Gap (MOR)

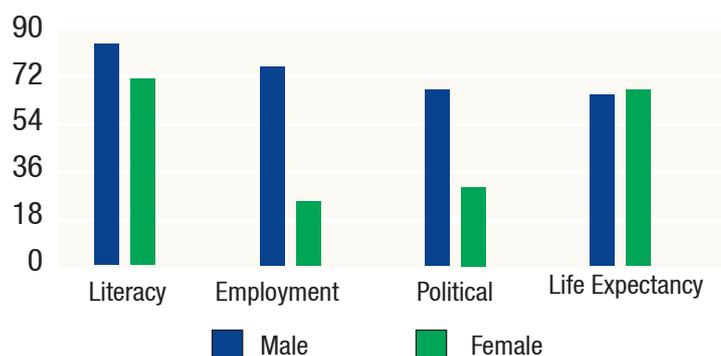


Tunisia

In 2018, Tunisia's rank dropped from 117 in 2017 to 119 on the Global Gender Gap Index.

Tunisia remains at the front ahead of other MENA countries thanks to the increase of women representation in parliament in 2014.

Figure 12 : Overview on Gender Gap (TUN)



However, despite that, more efforts are still needed to reduce gender gaps in other development and human rights areas including in political empowerment and economic participation.

Box 10

The attainment of women- men equality and the elimination of all forms of discrimination against women are fundamental human rights and United Nations values⁷². The Gender Gap Index confirms that women throughout the world but more in the MENA Region are still subject to various forms of discrimination and violation of their human Rights.

In conclusion...

Despite their national and international pledges and commitments, the MENA region and more particularly the Arab States are far from having achieved or even got closer to gender parity, equality of opportunity and equality of voice and agency as illustrated quantitatively and qualitatively in this chapter. Despite a number of steps taken, women continue to face lack of protection against gender-based discrimination as basic human rights.

As to be reviewed in the chapter I-III, domestic laws are not always consistent with the gender equality principles set by international law, including the CEDAW which is also undermined by the States reservations.

Indeed, the article 3 of the CEDAW stipulates that “States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men”.

Gender Equality, Equity and Empowerment of Women/GEEEW principles through life cycle are bedrocks of Development and have to be integrated in development strategic planning process and its various components. They are goals and expected results for Development.

GEEEW are also principles of human rights, and a pathway to achieving the Sustainable Development Goals. Gender equality, certainly centered in human rights, is recognized both as a development goal on its own and as vital to accelerating sustainable development. Unless women and girls are able to fully realise their rights in all spheres of life, human development will not be advanced⁷³, the 2030 Agenda either.

73. <http://www.undp.org/content/undp/en/home/ourwork/womenempowerment/overview.html>



CHAPTER I-II:

Development and Human Rights Indicators

CHAPTER I-II: Development and Human Rights Indicators

SECTION I-II.1. The Right to Education

1. Definition and international standard

The International Covenant on Economic, Social and Cultural Rights/ICESCR⁷⁴ addresses the right to education and expects from all States Parties to “recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace (Article 13, alinea 1)”. In the same article and related paragraphs and alineas, the full realisation of the right to education consists of free to all and compulsory primary education, diversified available and accessible secondary education including technical and vocational; equal accessibility to higher education based on capacity; in particular by the progressive introduction of free education for both secondary and tertiary levels...

As the ICPR, the ICESR stipulates very clearly in its Article 3 that “The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant”.

In its Article 10, CEDAW stipulates that “States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women: (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training...(PART III)”⁷⁵.

Box 11

“States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity (Article 28, para 1)...” ⁷⁶.

74. Multilateral treaty adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 3 January 1976, in accordance with article 27

75. <https://www.ohchr.org/documents/professionalinterest/cedaw.pdf>

76. Convention on the Rights of the Child Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49 <https://www.ohchr.org/documents/professionalinterest/crc.pdf>

All MENA countries ratified the United Nations Convention on the Rights of the Child/UN-CRC and took the required measures to domesticate it particularly those covered by this report. National laws make primary education compulsory and free to all with no discrimination including sex-based-discrimination. They did the necessary to implement its other provisions as showed by the achievement in the Education sector.

Referring to “the activism of Malala and her schoolmates on the right of girls to education and that of numerous other girls who have experienced similar discrimination and risks...”, the 2012 CEDAW Statement highlighted “...the persistence of a patriarchal system that serves traditional interest and motive which combine to maintain the status quo and perpetuate male privilege, particularly in the field of education and the workforce. The Committee calls on the States parties to denounce and punish such acts of violence and to continue to take all necessary action, including the dismantling of patriarchal barriers and entrenched gender stereotypes, to guarantee and to ensure that girls are able to enjoy their basic human right to education in every region of the world”⁷⁷.

2. Educational Attainment at global level

Globally 36 countries closed totally their gender gap in Educational Attainment and achieved parity (1.00) ranking at 1st place at the same time. The 2nd score (0.999) starts to be ranked at the 37th place. On Educational Attainment, the MENA region ranks ahead of South Asia and Sub-Saharan Africa.

3. Educational Attainment at the regional level

Providing equal access to primary education is a key milestone that has been achieved by almost all MENA countries. A quick look across the region shows that, on average, boys’ and girls’ enrolment rates and attendance in primary school has reached gender parity with however less achievement in post-primary education levels of secondary and tertiary education.

The 2015 UNICEF study⁷⁸ suggests that the number of out-of-school children in MENA has declined from 15 million in 2008 to 12.3 million in 2015: 4.3 million primary school aged children (9 %), 2.9 million lower secondary school aged children 12 % and 5.1 million pre-primary school age children. The study also points out that it was estimated that 6.2 million children, enrolled in primary education, are at risk of dropping out.

On average, the rate of school dropout is declining across the region. In part, because in most countries, primary levels of education are compulsory by the law and in part due to limited data available concerning this issue. School dropout is often stigmatized as direct failure of education system without realising the contextualised circumstances leading to increasing rate of dropout especially among boys. In post-primary education, the numbers of Out-of-school youth vary to a great extent.

77. CEDAW Statement Protection of Girls’ Right to Education Adopted on 19 October 2012 during the 53rd session <https://www.ohchr.org/documents/HRBodies/CEDAW/Statements/CEDAWstatementGirlsEducationAsAdopted.pdf>

78. UNICEF: Equity, Educational Access and Learning Outcomes in the Middle East and North Africa. UNICEF MENA Regional Office 2015. http://www.oosci-mena.org/uploads/1/wysiwyg/Education_Equity_Study_FINAL.pdf

Concerning the enrolment at the primary level, there are major persisting gaps at both the pre-primary and lower secondary levels. Just for instance in almost all GCC countries except UAE, nearly 100% of students both enrol in and complete primary school, but only a small percentage enrol in lower secondary school⁷⁹.

Box 12

In the United Arab Emirates, literacy rate reach gender parity in 2017⁸⁰. The total number of students enrolled in public (government) education entities at primary level reached 36.3 %. This percentage thinned out as students' progress to secondary education to reach 20. Overall, females outnumber males in education enrolment in primary level 109.9, and secondary level 116.9. The ratio of female to male pursuing higher education studies reached 131.8 % showing perhaps one of the highest numbers across the region.

According to the latest home census data of 2015 provided by the League of Arab States⁸¹ illiteracy percentage among 15 Years and older reached 23.7% in Egypt. The country ranks 110 on literacy rate in 2018 showing literacy rate among female population to reach 75% compared to that among male population at 86.5%⁸². Of which female illiteracy reached 24.9% compared to only 14.0% among male. The ratio of female to male in primary education reached 93.9%. It remains consistent recording 93.8% in secondary education. The rate of school dropout among female youth reached 23.9% compared to male youth recording 21.4%. The budget allocation for the Ministry of Education is only 12% (LAS 2018). In Morocco, illiteracy percentage among 15 Years and older reached 23.7% in 2015, of which female illiteracy reached 30.9% compared to only 16.6% among males⁸³.

The main challenge facing MENA countries including GCC countries is closing the consistent gender gaps in enrolment in both primary and lower secondary school and in securing equality in quality of education at all levels. Moreover, large income-based inequalities within each country at all levels remain at the core of challenges getting children access to education. As mentioned above a serious concern is related to the growing size of youth dropout. Raising awareness about the return on investment in education at all levels remains a mission far from accomplished.

Surely, the progress in providing equal access to primary education remains vulnerable especially in countries under occupation or in conflicts such as Palestine, Syria, Yemen and Libya. Indeed, concerning the enrolment at the primary level, there are major persisting gaps at both the pre-primary and lower secondary levels. Furthermore, recent studies on access to education in MENA have yet to capture the effect of displacement because of war (Syria and Iraq) on children's access to education as well as the economic capacities of host countries (Lebanon, Jordan and Egypt) to accommodate the needs of refugee children into already-burdened-public entity run education system.

79. UNICEF: Equity, Educational Access and Learning Outcomes in the Middle East and North Africa. UNICEF MENA Regional Office 2015.

80. GGGR-WEF 2017

81. LAS Statistics 2018

82. The GGGR-WEF 2018

83. LAS Statistics 2018

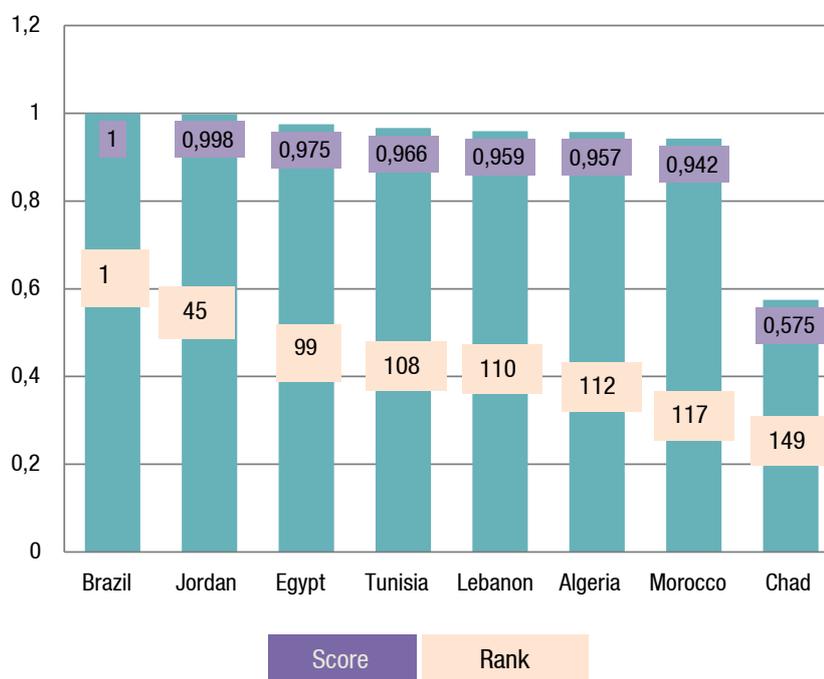
Box 13

As most countries in the world, in the MENA region and except the least developed economies, the parity is almost achieved in the access of women and men to education through ratios⁸⁴ of women to men in primary-, secondary- and tertiary-level education. Bahrain is the first Arab state performing with the 3rd global score (0.998) ranked at 43rd followed by Jordan with the same score and at the 45th rank. Yet not all children nor all MENA countries have the same chance since the Region still needs to deal with challenges related to illiteracy, out-of-school and dropout in both peace and conflict contexts. Children under occupation and war not only do not enjoy their right to education but also their right to life, not to say survival.

4. Educational Attainment in the countries under review

The achievements of the six MENA countries covered by this report in comparison with the Top and Down performers illustrate this progress:

Figure 13 : Educational Attainment in the six countries: Top and Down⁸⁵



For some of them and like many others in the world, if the efforts made in terms of legislation, policies and financing of the Education sector are to be considered in terms of cost effectiveness, it has to be recognised that the progress made by these countries through the years 2006-2018 remains modest.

84. Female net over male value in literacy, primary and secondary enrolment + female gross tertiary enrolment ratio over male value: GGGR-WEF 2018

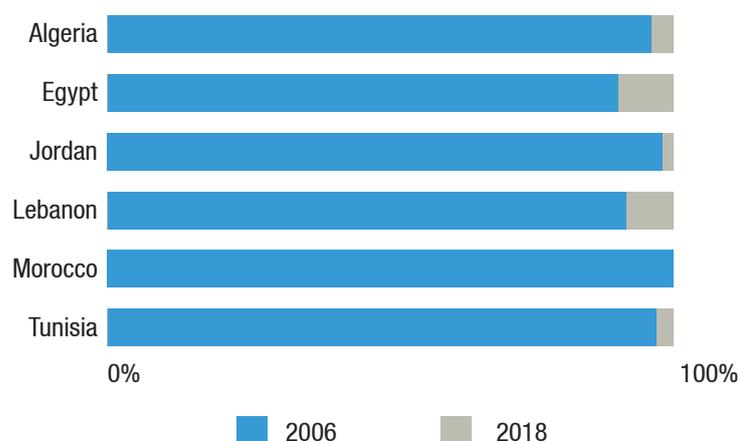
85. GGGR-WEF 2018, <http://reports.weforum.org/global-gender-gap-report-2018/data-explorer/>

Gender & Trade

Year	2006		2018	
Country	Rank	Score	Rank	Score
Algeria	84	0.944	112	0.957
Egypt	90	0.903	99	0.975
Jordan	70	0.979	45	0.998
Lebanon ⁷⁰	--	--	110	0.959
Morocco	99	0.848	117	0.942
Tunisia	76	0.959	108	0.966
Rank out of	115		149	

The evolution occurred in the six countries under review is even more visible through the following figure:

Figure 14 : 2006-2018 Educational Attainment



Providing equal access to primary education is a key mile stone that has been achieved by almost all MENA countries. Furthermore, the efforts of international development organisations, such as the World Bank, UNICEF and UNESCO, to provide incentives to governments may have resulted that today -on average- more children are in school in MENA than ever before⁸⁷. As showed by the selected Sex-Disaggregated Data/SDD in Education (Table 6) for the six covered countries, sex-specific ratios have significantly improved in some areas and remain well below in others.

86. GGGR-WEF 2018. <http://reports.weforum.org/global-gender-gap-report-2018/data-explorer/>

87. UNICEF: Equity, Educational Access and Learning Outcomes in the Middle East and North Africa. UNICEF MENA Regional Office 2015. http://www.oosci-mena.org/uploads/1/wysiwyg/Education_Equity_Study_FINAL.pdf

Gender & Trade

Table 7: Education SDD			
Indicator	Female	Male	Sex-ratio
Algeria			
Literacy rate	67.5	82.6	0.82
Primary level	96.6	98.4	0.98
Secondary level	50	50	1.00
Tertiary level	57.3	38.5	1.49
Egypt			
Literacy rate	75.0	86.5	0.87
Primary level	97.6	96.5	1.01
Secondary level	81.6	81.3	1.00
Tertiary level	34.8	34.0	1.02
Jordan			
Literacy rate	97.4	98.4	0.99
Primary level	93.3	91.4	1.02
Secondary level	65.1	63.2	1.03
Tertiary level	33.9	29.6	1.15
Lebanon			
Literacy rate	67.5	82.6	0.82
Primary level	83.5	89.1	0.94
Secondary level	65.0	64.8	1.00
Tertiary level	45.8	39.6	1.16
Morocco			
Literacy rate	59.1	80.4	0.74
Primary level	96.6	97.0	100
Secondary level	63.0	63.6	0.99
Tertiary level	33.3	34.2	0.97
Tunisia			
Literacy rate	72.2	86.1	0.84
Primary level	97.2	98.0	0.99
Secondary level	51.4	48.6	1.06
Tertiary level	41.2	23.2	1.77

Algeria

Ranked at the 112th position with a score of 0.957⁸⁸. Algeria has made tremendous achievements in providing primary and post-primary education for all.

According to the Algeria's Gender & Trade country report (CAWTAR-Sida 2019), the development of gender parity sub-index on educational attainment in the country, measured by the ratio of the number of girls to boys, shows the sharp rise in the proportion of girls in all three levels of the education system.

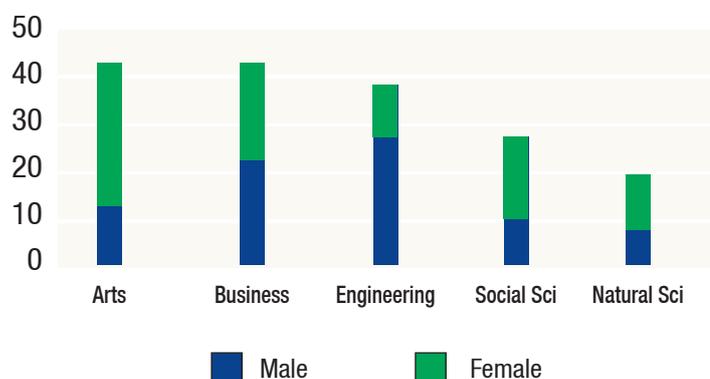
For primary and middle schools, this sub-index increased between 2004/2005 and 2014/2015 from 0.89% to 0, 91% and from 0.96% to 0.91% respectively. Girls clearly dominate the secondary level, where this rate greatly exceeded parity by the beginning of the previous decade. From 1.27% in 1999/2000, it rose to 1.39% in 2014/2015⁸⁹.

Enrolment in primary education of girls reached 96.6 compared to boys 98.4. Gender parity was achieved on secondary education level. Moreover, girls outperform boys in educational attainment at tertiary education recording 57.3 % compared to 38.5 % of boys⁹⁰.

As showed in the above figure 15, a correlation between gender and choice of disciplines on graduate levels emerge from the recent data obtained on graduates by degree in Algeria. In Arts and Humanities, the representation of female graduates reached 28.5% double the number of males with only 14%⁹¹. As for Science, Technology, Engineering, and Mathematics/STEM subjects, male graduates outnumber female graduates showing a percentage of 10.9% of female compared to 27.8% of male graduates. The rate of completing graduate degree levels among females reached nearly 70%.

The proportion of female graduates also exceeds that of male graduates at the doctorate level with respectively 63% and 52%⁹². This evolution of the gender parity in the education and training system will profoundly mark the evolution of the working population of women and the place of women in employment.

Figure 15 : High Education specialisation (ALG)



88. UNICEF: Equity, Educational Access and Learning Outcomes in the Middle East and North Africa. UNICEF MENA Regional Office 2015. http://www.oosci-mena.org/uploads/1/wysiwyg/Education_Equity_Study_FINAL.pdf

89. Algeria's Gender & Trade country report (CAWTAR-SIDA 2019)

90. Idem

91. The GGGR-WEF 2018

92. Algeria's Gender & Trade country report (CAWTAR-SIDA 2019)

Despite Algeria’s efforts to provide education for all, out of schools’ children still represent 3.6% among girls and 1.8% among boys. Algeria has indeed overcome the issue of youth dropout among boys and girls. The data suggest that certain barriers in curriculum design and delivery towards the end of lower secondary education are causing students to repeat grades to increase their chances of passing examinations.

At the beginning of September 2015, the national network of training and vocational education institutions welcomed 532,759 trainees, of whom 213,238 were women, i.e. 40% of the total enrolment. The proportion of female students in relation to all enrolments increased from 54% in 2000 to 61.1% in 2014⁹³.

Box 14

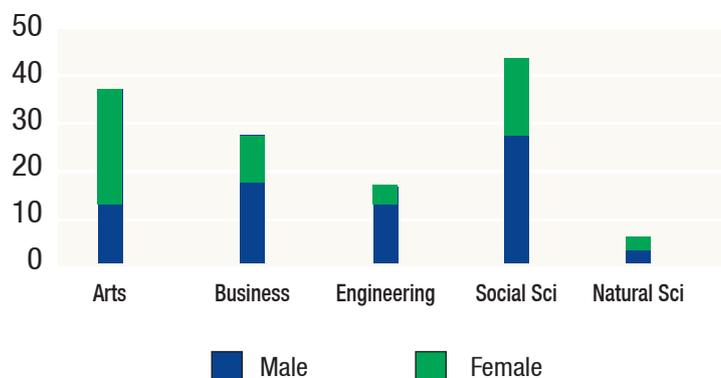
In Algeria, the education and training system is largely opened to girls in such a way that today it became possible to talk about feminisation. The parity index has largely benefited girls for a long time at the secondary and university levels.

Egypt

Overall, educational attainment in Egypt ranked 99th with a score of 0.975⁹⁴.

Egypt has perhaps one of the largest education systems in MENA region, due to the fast-paced increasing number of population from one part and, the accessibility to education, from the other part.

Figure 16 : High Education specialisation



Gender Parity is achieved in primary, secondary and tertiary education levels with respectively a sex-ratio of 1.01, 1.00 and 1.02 (see details in Table 6). While, the percentage of females in primary education reaches 97.6% compared to 96.5% among males. Rates in secondary education are respectively 81.6 and 81.3. Females reach in tertiary education 34.8% compared to 34.0% among males.

Concerning the gender composition of Egypt’s higher education, the gross tertiary enrolment ratio of 0.9 nearly reached gender parity, indicating comparability of female students’ 35.6 % compared to 36.9 % of males (WEF 2018). Yet, salience of gender is evident in choice of study programme and discipline. Women remain staggeringly under-represented in fields of study relating to Science, Engineering; Information and Technology (STEM).

93. Algeria’s Gender & Trade country report (CAWTAR-SIDA 2019)

94. The GGGR-WEF 2018

As showed in the above Figure 16, disaggregating graduates by degree type and sex shows females as only representing one-third of total graduates in sciences, technology, engineering and mathematics with 4.1% of female compared to 12.5% of male. Conversely, female graduates are over-represented in certain types of schools such as arts and humanities at 24.9 %, education at 19.7%, and health and welfare at 14.2%⁹⁴. Overall, female outnumber male as PhD recipients of 55 % compared to 45 %.

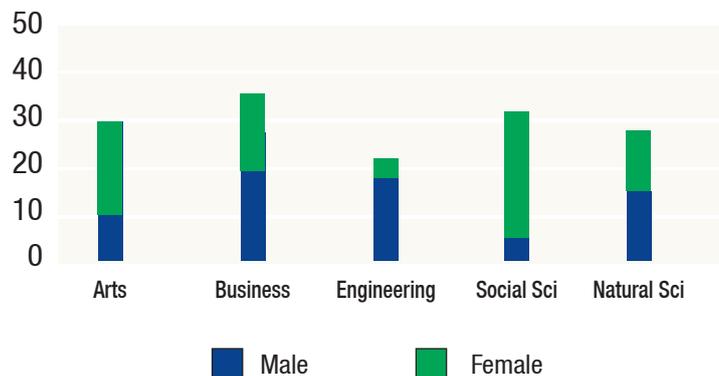
In consistency with the national statistics of education, the GGGR-WEF figures reveal women's literacy rates are of 75.0% and lower than of men, which are 86.5%, illiteracy among females is of 50% compared to 29% among males. The out-of-school percentage in Egypt was recorded at 23.9% among females⁹⁵; In fact, the analysis of the national statistics and related conclusions made obvious that additional efforts are needed to close the illiteracy gender gaps.

Jordan

In 2006, Jordan's rank was the 70th at global level with a score of 0.979. The country reached in 2018 the 45th rank worldwide narrowing its educational attainment gender gap with a score of 0.998.

The 2017 national datashow that female education rates in Jordan are high and their enrolment in educational institutions is higher than that of males⁹⁶.

Figure 17 : High Education specialisation



According to the data published by the League of Arab States in 2018 through collection of national statistics, the total number of students enrolled in public sector of education entities at primary level reached 84% i.e. 93.3% of girls compared to 91.4% of boys. The percentage of female students in the bachelor's degree level is 112.4%, the secondary level is 114.8% and the primary level is 96.3%.

According to UNESCO statistics⁹⁷, Jordan ranks 52nd out of 158 countries in the field of literacy in general, and occupies 5th place in the Arab world after Libya, Palestine, Saudi Arabia and Kuwait. Regarding the women's literacy of older women aged 65 and over, Jordan is ranked 10th out of 118 countries and the first in the Arab region with a rate of 81.8%. The 2018 score for Literacy among Jordanians is 0.989 ranking the country at the 67th place out of 149 countries⁹⁸.

As showed in the above Figure 17, the second favourable degree choice among young women is Arts and Humanities with 18.8% enrolled in a degree in these disciplines, compared to 11.2% among young men. Engineering, Manufacturing and Construction degrees are the least favourable among Jordanian young women with only 4.9% compared to 17.9% among young men.

95. The GGGR-WEF 2018

96. Jordan in figures 2017 <http://dosweb.dos.gov.jo/DataBank/JordanInFigures/JORINFIGDetails2017.pdf>

97. UNESCO: Regional fact sheet. Education in the Arab States. Paris, 2013. <https://en.unesco.org/gem-report/sites/gem-report/files/219170e.pdf>

98. The GGGR-WEF 2018

Enrolment in degrees of Natural Sciences, Mathematics and Statistics disciplines shows less gender gap with 13.6 % of enrolled young women in comparison to 15.3% among men of the same age. This state can be applied on degrees of Health and Welfare disciplines showing a percentage of 12.3% among young women compared to 13.9% among men from the same group.

Dropout rates in post-primary education emerge as students' transition to secondary education level. The number of youth out-of-school in Jordan is estimated at 17.1% of females and 25.4% of males⁹⁹. The Gender and Trade country report of Jordan (CAWTAR-SIDA 2019) identifies a number of factors that are responsible for the growing phenomenon of youth dropout, to only quote for instance, the issue related to deficiency in skills. Indeed, according to the same source, one third of students at the age of 15 have not met the minimum passing score in mathematics, and half of surveyed students do not have the required skills for reading and mathematics on post-secondary level. Other challenges to the development of education infrastructure combined with lack of institutional capacity in addition to quality of education may have also contributed to the deterioration of the post-secondary education system in Jordan.

Women constitute 62% of all illiterates in Jordan ranking the country at the 78th place out of 157 countries and at the 108th out of 157 countries with 59,000 illiterate women. The Department of Statistics indicates that female illiteracy rate is of 10% higher than that of males 3,5% with a gender gap reached of -6.5.

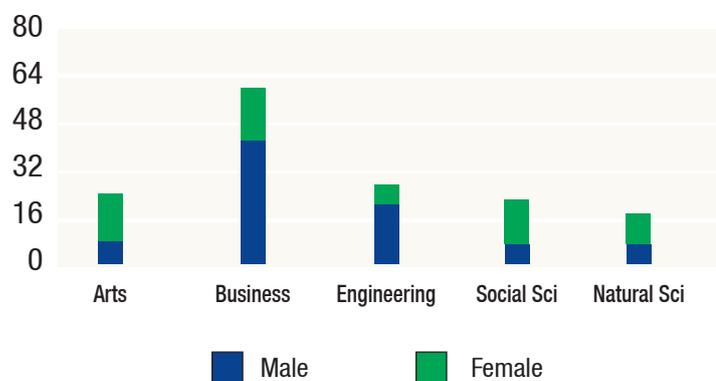
The Gender and Trade country report of Jordan (CAWTAR-SIDA2019) also shows that in Jordan around 74,501 households are led by women cannot read or write. Meanwhile, the number of women leading-households with bachelor's degree reached 23,169 families, mounting to percentage of 9.4%. Approximately 2,035 families are led by women with master's degree. The number of households led by women with PhD has reached 655 in 2018. Jordan made remarkable progress over the past decades in the field of literacy, but the investment in the women and girls' literacy is still required.

Lebanon

In the past ten years, Lebanon has achieved tremendous progress in closing the gender gap and provide access to education for all.

In 2018, Lebanon's global gender gap score on educational attainment is 0.959 setting the country at rank 110th.

Figure 18 : High Education specialisation



99. GGGR-WEF 2018

The proportion of boys and girls are approximately equivalent in early stages of education. Indeed, as of the latest data¹⁰⁰ enrolment in primary education for girl reached 83.5 % compared to 89.1% of boy's. The disparity is higher in secondary education where females account for 55.8% of total students enrolled while males account for the remaining 44.2%. For instance, in intermediate education, girls constitute 52.3% of the total enrolled students while boys constitute 47.7%¹⁰¹.

Lebanon is considered to have almost closed the gender gap in post-primary education levels with a sex-ratio of 1.00 (see details in Table 6)¹⁰². Female students exceed male students in higher education levels. For the last twenty years, more women than men attended university with an enrolment of girls at 45.8%, outperforming boys with 39.6 %.

Women make up half of graduates in social sciences, business and law, and are not anymore confined to certain stereotypical fields. Lebanese women represent over 60% of the graduates in sciences. As illustrated in the above Figure 18 and in other countries under review and the region, earning a degree in Business, Administration and Law is the “easiest” for young women with 30.8% however the enrolment of young men in these degrees is still higher with around 44.8 %. The highest gender gap in degree choice is recorded in Engineering, Manufacturing and Construction with only 6% among young women compared to 20.7% among men of the same group. The least favourable degree choice is in Information and Communications and Technologies with only 1% of young women enrolled to earn a degree in this discipline. In Lebanon, 19% of girls and 13.7% of boys are not enrolled in primary education. The out-of-school rate is of 33.6% among girls and 33.9% among boys representing one of the highest rates of out-of-school children in the region. In 2018, the illiteracy rate among females reached 12%¹⁰³.

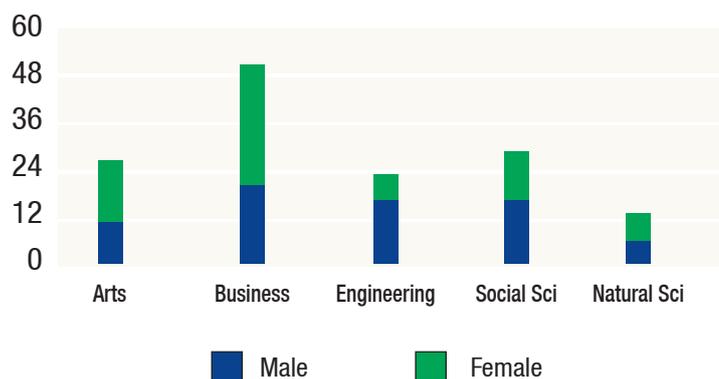
Morocco

Comparatively to 2006 where the country was ranked at the 99. place but with a score of 0.848, it is fair to consider that Morocco really progressed with a score of 0.942 even if it ranks at the 117. position in 2018.

Despite that, efforts are still required in post-primary education.

Enrolment rates in the different levels of education decrease with the rise in educational levels. Thus, while primary school enrolment rates are around 98% for girls and 99% for boys, these rates fall to 53% and 59% at the secondary level and even more so at the tertiary education level. These national figures¹⁰⁴ are not so different from the ones in the above table 6. This decrease is mainly due to the repetition of classes' rates and school drop-out, which increase with the rise in school

Figure 19 : High Education specialisation



100. GGGR-WEF 2018

101. Analysis of Lebanon's Education Sector (June 2014), BankMed - Market & Economic Research Division, Special Report

102. GGGR-WEF 2018

103. GGGR-WEF 2018

104. Haut-Commissariat au Plan " Femmes et hommes en chiffres (2016) " ; Liouaedine (2016), Une approche microéconométrique pour l'évaluation de la qualité et des inégalités du système éducatif marocain.

levels. According to the GGGR-WEF 2018, enrolment in post-primary education has almost reached gender parity. In secondary education, the percentage of boys and girls recoded 63% and in tertiary education 33% among females and 34% among males.

Acquiring a degree in Business, Administration and Law is more common among young women in Morocco with a percentage of 31.8%, thus outperforming men of the same age who are at 20.2%. Morocco has one of the highest enrolment rates in Information and Communications Technologies (ICT) across the region. Young women enrolled in those degrees accounted 14.9%, still below the percentage of young men who reached 16.6%. Enrolment of male youth 9.8% in Education degrees is higher than female youth 2.9%. Furthermore, degrees of Health and Welfare disciplines have one of the lowest young men enrolments at 3.3%.

Morocco has the out-of-school highest rate of approximately 47.7% among females and 35.9 % among males¹⁰⁵. The dropout affects mainly girls, especially in rural areas where the rate is almost twice that recorded in urban areas. Several factors can explain this situation: on the one hand, the remoteness of schools from student living environments and, on the other hand, the use of child labour with boys helping with the family farming work and girls with household chores. In addition, early marriages continue to affect students' school path increasing the probability of dropping out of school.

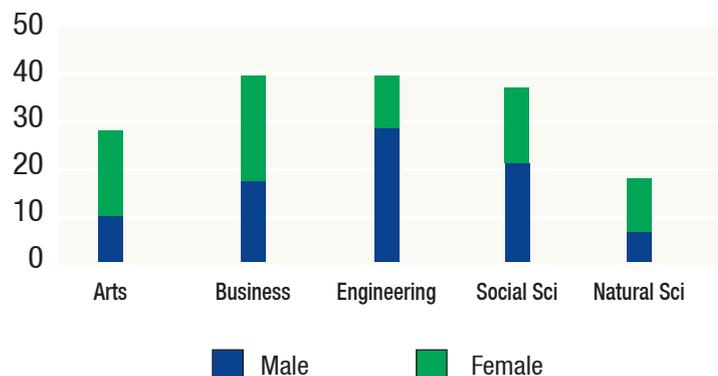
The Morocco Gender and Trade country report (CAWTAR-SIDA 2019) contends that high school drop-out rate is correlated with the increase in the number of high school students, which increases the risk of dropping out. In the same way, the upper levels of high school (2nd and 3rd year of the baccalaureate) suffer from high drop-out rates. This is due to the fact that these two years are years that lead to certification and are therefore sanctioned by a review at the end of the year. As with other levels, the dropout rate is higher in rural than in urban areas. The drop-out rate analysis shows that, in general, it is declining but remains high in the last years of the cycle, leading to certification, and therefore follows different trends in the intermediate circles. In addition, disparities between various areas continue to persist in the disfavour of rural areas and mainly girls. Several factors can explain this situation that include among others distance between schools and students' dwelling place, the need for help in family farm work for boys, or the need for girls to help with housework as well as early marriages. These factors continue to affect children' schooling at various education stages and increase the likelihood of dropping out of school.

Tunisia

On the global scale, Tunisia is at the 108. rank out of 149 countries with an educational attainment of 0.966.

It is noteworthy to underscore that Tunisia has almost achieved gender parity in all levels of education.

Figure 20 : High Education specialisation



105. GGGR-WEF 2018

According to the Tunisia Gender and Trade report (CAWTAR-Sida 2019) that refers to the 2016 national census, the sex-ratio enrolment at the primary level is of 1.077 with a smaller number of girls compared to boys (529,896 vs 570,894). This representativeness is reversed at post-primary education level, where the ratio becomes favourable to girls 0.844 in the secondary. The number of those enrolled will exceed by nearly 18% that of boys 479,355 against 404,992 of girls.

According to the GGGR-WEF report, providing equal access to education for all remains one of the essential achievements of Tunisia. In 2018, the sex-ratio for the primary level is of 0.99 with a school enrolment of 98.0% for boys slightly higher than that of girls i.e. 97.2%. The parity at the secondary level is achieved with a sex-ratio of 1.06 to the benefit of girls 51.4% vs 48.6% for boys. For the tertiary education the sex-ratio is of 1.77 with a larger gap to the detriment of men with 23.2% comparatively to 41.2%¹⁰⁶.

As illustrated in Figure 20, Business, administration and law can be considered as privileged areas for young women since they are 22% higher than young men who are only 18.1%. These fields are followed by Arts and Humanities with a presence of 18.9 % of young women enrolled to earn a degree in one of those disciplines. Enrolment in Engineering, Manufacturing and Construction shows a great gender disparity where young women enrolment reported only 10.3 % less than half of male youth enrolment 28.8 %. 14.9% of Tunisian young women accede to Information and Communication Technologies (ICT) disciplines which could be considered as relatively high but still higher among young men with a rate of 22.1%. Among the least sought-after specialisations are agriculture, forestry, fishing and veterinary medicine as evidenced by enrolments among young men, which reach only 1.1%, and among young women with only 1.4%. In Tunisia, boys outnumber girls in the likelihood of leaving to leave primary school (1.3% vs only 0.9% for girls). In high school, the drop-out rate is also higher for boys, with a larger gap to the benefit of girls with only a drop-out rate of 10.9% while that of boys is 15.8%. At the tertiary level, young women represent 63% of the total number of Tunisian students in universities for the same period, leading to a feminisation of the students body.

Box 15

The appraisal of access to education across MENA countries shows that most of them have made significant progress towards increasing children's school enrolment, attendance and completion at all education levels, yet gender disparity persists. Indeed, challenges to secure equality and equity in access as well as the quality of education provided in terms of transferrable skills and credit transfer remains a major issue across the region ¹⁰⁷.

106. The GGGR-WEF 2018

107. UNICEF-UNESCO (2014): All in school Middle East and North Africa Out-Of-School Children Initiative. Regional report on out-of-school children. UNICEF MENA Regional Office 2015. <http://uis.unesco.org/sites/default/files/documents/regional-report-on-out-of-school-children-middle-east-and-north-africa-2015-en.pdf>

SECTION I-II.2. Right to Participate In Political and Public Affairs

1. Definition and international standard

A long series of international instruments states very clearly the legal framework of the civil and political rights and participation to only quote public affairs, vote and elections as well as access to public service positions. It defines the obligations of States Parties as regards the ways they should enforce them.

The International Covenant on Civil and Political Rights/ICCPR requires from its States Parties “to ensure the equal right of men and women to the enjoyment of all civil and political rights... (Article 3)”.

This includes political and public participation as set forth in the Article 25 of the ICCPR “Every citizen shall have the right and the opportunity(...): (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his/her country”.

In its Article 7, the CEDAW recommends to the States Parties to “take all appropriate measures to eliminate discrimination against women in the political and public life of the country (...)” so they can be able equally with men to vote in all elections and to be eligible for election to all publicly elected bodies in addition to participate in the government policy formulation and implementation as well as hold public office and perform all public functions at all levels of government. The last alinea (c) of the article refers to the participation “in non-governmental organizations and associations concerned with the public and political life of the country”. The same convention requires from the States Parties to also “take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations (Article 8)”.

Box 16

The political and public rights play a crucial role in the promotion of democratic governance, the rule of law, social inclusion and economic development, as well as in the advancement of all human rights¹⁰⁸. The largest gender disparity, at global, regional and national levels, is on Political Empowerment, with a gap of 77.1%. That means the world is expected to do more to ensure that all citizens enjoy their civil and political rights and that Democracy is a reality in the societies and States.

108. <https://www.ohchr.org/EN/Issues/Pages/EqualParticipation.aspx>

2. Participation in political & public affairs at global and regional levels

As defined by the GGGR-WEF, the Political Empowerment subindex measures the gap between men and women in political decision-making at the highest levels. It is captured through the women-men ratio in ministerial and parliamentary positions in addition to the women-men ratio in terms of years in executive office (prime minister or president) in the last 50 years. Political Empowerment is the subindex where the gender gap remains the widest: only 23% of the political gap—unchanged since last year—has been closed, and no country has yet fully closed political empowerment gaps. Even the best performer in this subindex, Iceland, still exhibits a gap of 33%, and this gap has widened significantly over the past year. Just six other countries (Nicaragua, Norway, Rwanda, Bangladesh, Finland and Sweden) have closed at least 50% of their gap. On the other end of the spectrum, almost one-quarter of the countries assessed has closed less than 10% of their gender gap. As raised in the 2018 findings of the assessment of 149 countries conducted by the GGGR-WEF and quoted in this report full parity on this indicator has been reached only in five countries (Bahamas, Colombia, Jamaica, Lao PDR and Philippines); and there are at least 40% of women in managerial positions in another 19 countries. Moreover, the progress achieved over the past decade has started to reverse and these limited good performances can hardly raise the global score of 22%. Indeed only 18% of ministers and 24% of parliamentarians globally are women who hold just 34% of managerial positions across the countries where data is available. Only 17 out of the 149 countries have women as heads of state currently, most of them have been elected in the past decade.

Regarding the presence of women in parliaments, the Inter-Parliamentary Union/IPU publishes yearly the percentage of women in national parliaments in accordance to the results of the latest elections provided by the countries themselves. The classification of the Inter-Parliamentary Union, which builds on data submitted by parliaments every year, is also used in the report. The number of states included in the classification may vary, each year. It is 193, for 2019.

Single/Lower house		Upper House or Senate		Both house combined	
Total MPs	39'181	Total MPs	7'001	Total MPs	46'182
Gender breakdown known for	39'181	Gender breakdown known for	7'001	Gender breakdown known for	46'182
Men	29'659	Men	5'313	Men	34'972
Women	9'522	Women	1'688	Women	11'210
Women %	24.3%	Women %	24.1%	Women %	24.3%

The World is organised by the IPU in 8 Regions consisting of 193 countries, the MENA Region is placed at the seventh rank out of 8 regional averages:

109. Inter-Parliamentary Union, <http://archive.ipu.org/wmn-e/world.htm>Data can be consulted at archive of statistical data on the percentage of women in national parliaments.

Regions	Single/lower House	Upper House or Senate	Both Houses combined
Nordic countries	42.5%	---	---
Americas	30.6%	31.3%	30.7%
Europe (Nordic countries included)	28.6%	28.0%	28.5%
Europe (Nordic countries not included)	27.2%	28.0%	27.4%
Sub-Saharan Africa	23.9%	22.2%	23.7%
Asia	19.9%	17.4%	19.6%
Middle East and North Africa	19.0%	12.5%	18.1%
Pacific	16.3%	36.0%	18.4%

3. Participation in political & public affairs at regional level

The MENA region continues its progress as highlighted by the GGGR-WEF and many other sources. Thanks to the strong activism of the civil society organisations particularly of women, the States' national and international engagements, palpable results are observed in most countries. Despite that, the MENA region continues to stagnate in the last places without counting the few countries that take a step forward and two steps back.

Indeed, if social mobilisation, policy initiatives and legal reforms, positively impacted the performances in terms of score and ranking at global levels, women's role, their presence and involvement in decision-making in the MENA region remain more than modest particularly if the performances are compared with the importance and speed of change initiated to eliminate discrimination against women towards Gender Equality as showed in the herewith ranking:

Country	Overall rank	Overall score
Tunisia	119	0.648
United Arab Emirates	121	0.642
Kuwait	126	0.630
Qatar	127	0.629
Algeria	128	0.629
Bahrain	132	0.627
Egypt	135	0.614
Mauritania	136	0.607
Morocco	137	0.607
Jordan	138	0.605
Oman	139	0.605
Lebanon	140	0.595
Saudi Arabia	141	0.590
Syria	146	0.568
Iraq	147	0.551
Yemen	149	0.4994

110. Regions are classified by descending order of the percentage of women in the lower or single House; IPU's regional groupings for calculating regional averages of women in national parliaments have been reorganized as of January 1st 2019.

111. The GGGR-WEF 2018

Gender & Trade

The Arab states are far from having realised the Beijing (1995) minimum requirements in terms of women participation either in executive, managerial or elected bodies. For instance, as per the managerial positions, at least three MENA countries are among the four worst-performing countries (Egypt, Saudi Arabia and Yemen and Pakistan) that achieved less than 7%. While almost a quarter of the countries surveyed have reduced their gender gap by less than 10%, the four worst-performing countries that still need to fill more than 97% of their gap are in the MENA region (e.g. Kuwait, Lebanon, Oman and Yemen).

The same concerns are confirmed when comparing women and men's presence and participations in elected bodies. The IPU classification consists of the number of women members vs men in parliaments i.e. lower/single house and upper house/senate in 193 countries (The first ranked being Rwanda and the last Vanuatu). It includes 19 Arab states among which those covered by this report as indicated in the herewith table.

Rank	Country	combined				combined			
		Elections	Seats*	Women %	W	Elections	Seats*	Women %	W
29	Tunisia	2014	217	78	35.9%	---	---	---	---
58	Sudan	2015	481	133	27.7%	01.06.2015	71	19	26.8%
65	Djibouti	2018	65	17	26.2%	---	---	---	---
66	Algeria	2017	462	119	25.8%	29.12.2018	132	9	6.8%
68	Iraq	2018	329	83	25.2%	---	---	---	---
85	United Arab Emirates(2)	2015	40	9	22.5%	---	---	---	---
98	Morocco (2)	2016	395	81	20.5%	02.10.2015	120	14	11.7%
100	Mauritania	2018	153	31	20.3%	---	---	---	---
106	Saudi Arabia	2016	151	30	19.9%	---	---	---	---
129	Libya	2014	188	30	16.0%	---	---	---	---
132	Jordan	2016	130	20	15.4%	27.09.2016	65	10	15.4%
133	Bahrain (3)	2018	40	6	15.0%	09.12.2018	40	9	22.5%
136	Egypt (3)	2015	596	89	14.9%	---	---	---	---
145	Syrian Arab Republic	2016	250	33	13.2%	---	---	---	---
167	Qatar	2013	41	4	9.8%	---	---	---	---
184	Lebanon (2)	2018	128	6	4.7%	---	---	---	---
186	Kuwait	2016	65	3	4.6%	---	---	---	---
189	Oman	2015	85	1	1.2%	07.11.2015	85	14	16.5%
190	Yemen	2003	301	1	0.3%	28.04.2001	111	3	2.7%

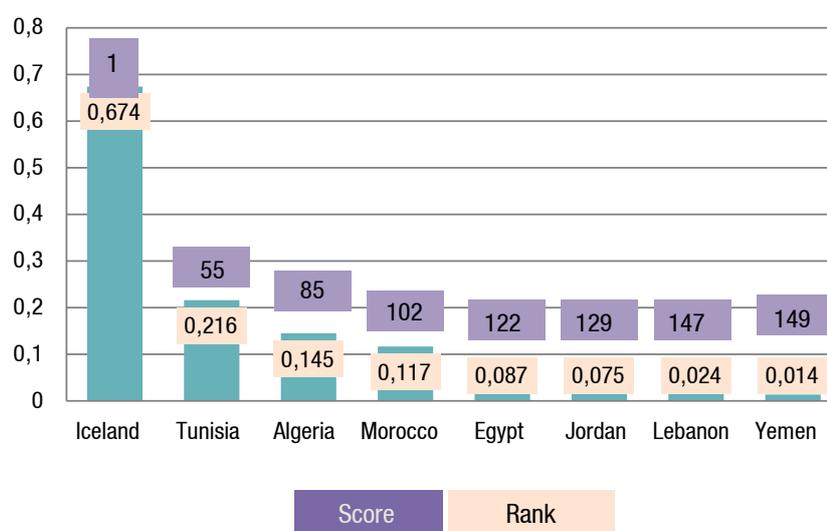
The number in parentheses for some countries represents the number of countries in the same rank.

112. On the basis of the data provided by countries on January 1st 2019, Inter-Parliamentary Union, <http://archive.ipu.org/wmn-e/world.htm>

4. Participation in political & public affairs in the countries under review

If progress made at both national and local levels is a reality that cannot be ignored, the international, regional and national available data show how women's role and involvement in decision-making in Arab States are still insufficient as herewith illustrated by the 2018 GGGR-WEF data.

Figure 21 : Political Empowerment in the six countries under review: Top and Down¹¹³



Political participation is not only the number of seats occupied by women in the parliament. In many countries, women participate actively in public life and are represented in most professions, including justice and military but that does not necessarily mean participation in decision making neither in public affairs nor in private life.

Table 12: Political Empowerment SDD ¹¹⁴			
Indicator	Female	Male	Sex-ratio
Algeria			
Members of the parliament/MPs	25.8	74.2	0.35
Ministerial positions (# or %)	13.3	86.7	0.15
Judiciary System ¹¹⁵ (# or %)	2743	3480	44%
Egypt			
Members of the parliament/MPs	14.9	85.1	0.18
Ministerial positions (# or %)	11.8	88.2	0.13
Judiciary System (# or %) ¹¹⁶	66	--	--

113. The GGGR-WEF 2018

114. GGGR-WEF, UNDP and national sources

115. Algerian Ministry of Justice: https://www.mjustice.dz/html/?p=organ_judic

116. Data reported in many websites on a current number of 66 the first being nominated in 2007. <http://english.ahram.org.eg/NewsContent/1/64/309255/Egypt/Politics/-Egyptian-women-judges-promoted-to-top-judicial-po.aspx> Men statistics are not available

Gender & Trade

Jordan			
Members of the parliament/MPs	15.4	84.6	0.18
Ministerial positions (# or %)	7.1	92.9	0.08
Judiciary System (# or %)	18.5%	81.5%	4.4%
Lebanon			
Members of the parliament/MPs	4.7	95.3	0.05
Ministerial positions (# or %)	3.4	96.6	0.04
Judiciary System (# or %) ¹¹⁷	47,7%		
Morocco			
Members of the parliament/MPs	20.5	79.5	0.26
Ministerial positions (# or %)	13.0	87.0	0.15
Judiciary System (# or %)	--	--	--
Tunisia			
Members of the parliament/MPs	31.3	68.7	0.46
Ministerial positions (# or %)	23.1	76.9	0.30
Judiciary System (# or %) ¹¹⁸	42%	52%	--

Unfortunately, from one hand, despite the increase of the number women in Arab parliaments, the number of women in government is still below women's and States' aspirations. On the other hand, most portfolios and related responsibilities assigned to women are not very different from the traditional distribution of roles.

Table 13 : 2006-2018 Political empowerment ¹¹⁹				
Year	2006		2018	
Country	Rank	Score	Rank	Score
Algeria	98	0.049	85	0.145
Egypt	111	0.022	122	0.087
Jordan	100	0.048	129	0.075
Lebanon	--	--	147	0.024
Morocco	92	0.053	102	0.117
Tunisia	53	0.110	55	0.216
Rank out of	115		149	

117. Nizar Saghih and Lama Karame, "Feminising the Judiciary: Which Positions? Which Jobs? Which Districts?", The Legal Agenda, 2012, available at <http://legal-agenda.com/article.php?id=2908>. quoted in ESCWA: Women in the Judiciary in Lebanon - https://www.unescwa.org/sites/www.unescwa.org/files/.../presentation_lebanon.pdf

118. Ministry of Justice, Tunisia, 2017

119. The GGGR-WEF 2018

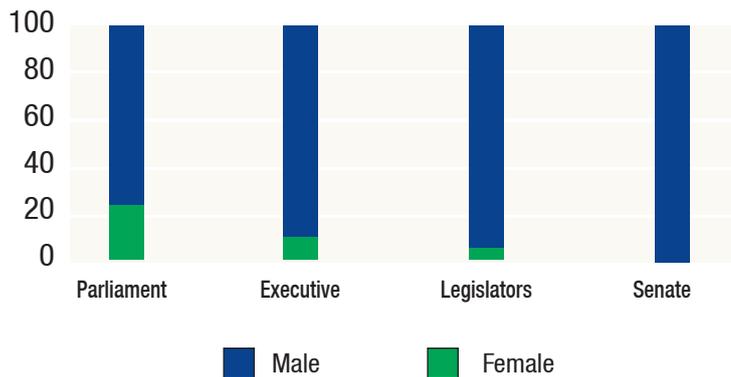
Both observation and analysis highlight that data related to presence of women in public sphere and their participation have never been in evolution. Indeed in addition to being low, the performances are neither stable nor sustainable: “one step forward, two steps back” is the principle that governs the political will and achievements in the region with respect to political empowerment and participation of women.

Algeria

Algerian women acceded to their political rights including right to vote and to be eligible equally with men at the independence of the country in 1962.

Since 2006 the scores of the country improved from a score of 0.049 and a rank of 98th to a score of 0.145 and a better position of 85th.

Figure 22 : Participation in Political & Public Affairs



Right away after the Algerian independence, in the established constituent Assembly, 10 women one of them being of European origin, were among the 194 members¹²⁰. Only in 1987, were women able to come back to the lower house, with a presence of just 7.10%. This percentage dropped to 4.27% in 1997. From 2002 to 2012, the rate of women in parliament dramatically increased from 6.2% to almost 32% (e.g. 146 out of 462 seats) fulfilling the 1995 Beijing’ requirements. Algeria was in the top 30 in the world and the 1st in the Arab world. Unfortunately, 2017 represents a loss for women, with a rate down to 25.8% (e.g. 119 out of 462 seats) representing a decline of 35 ranks compared to the previous mandate. As reported by the IPU¹²¹ quoting the Algerian media “political parties justified the absence or weak presence in their list by the difficulty to find suitable women candidates to nominate, this being in total contradiction with the country performance in terms of female education while never an issue for men. It was mainly a gender and cultural issue...”. The paradox was between this “gender and cultural” stagnation not to say resistance from one part, and a political and legal evolvement and change, from the other part. The two following examples can illustrate what occurred in the 2017 elections: 1) at least five parties were required by the electoral commission to reverse their decision to display blank avatars (rather than photos) of their women candidates on electoral posters and 2) one of the parties, the Algerian National Front party presented the country’s first all-female parliamentary electoral list, full of women academics, managers, and public administrators, by conviction or perhaps in response to this challenging cultural environment.

At the level of the governorate/wilaya and the municipality/communes namely the Assemblées Populaires de Wilaya/APW and the Assemblées Populaires Communales/APC levels; women’s participation is respectively 42% (APWs) i.e. 601 women vs 1403 men and 38% (APCs) i.e. 6855 women vs 18036 men. Women’s access to locally elected bodies helps to strengthen their participation and decision making in public affairs and their access to decision-making contributing directly to the life’s community on one hand and enhancing their own economic and financial empowerment, from the other hand.

120. L’Assemblée Nationale Constituante Algérienne. http://aan.mmsh.univ-aix.fr/Pdf/AAN-1962-01_01.pdf

121. Women in parliament in 2017 - Inter-Parliamentary Union. https://www.ipu.org/file/4347/download?token=sM_xYm3l

Only 4 out of 20 ministerial portfolios, including the Prime Minister’s were given to women in the last government elected in 2017, representing 15.4%. In the recently nominated government following the crisis situation and annulment of the presidential elections (March 2019), they were 5 out of 29 in charge of Culture, Post and Telecommunications, Technology and Digital, National Solidarity and Family and the Status of Women; Industry and Mines and the Environment and Renewable Energies.

As regards the Judiciary sector, women lawyers represent more than 60% of the total workforce, sometimes reaching more than 70% (in the capital Algiers) but they are less than 2% in the Bar’s councils and virtually absent from its presidency while their voices weigh heavily on the vote. Among women magistrates, only one was elected barristers’ president, and few are those who are members of bars, none of them is entitled to the post of public prosecutor or that of 1st president of the Supreme Court. Barely 5 are presidents of court. Women are 28.6% at the Superior Council of Magistracy and 10% at the Constitutional Council. Equality between men and women who defend the rights of citizens is far from being achieved¹²².

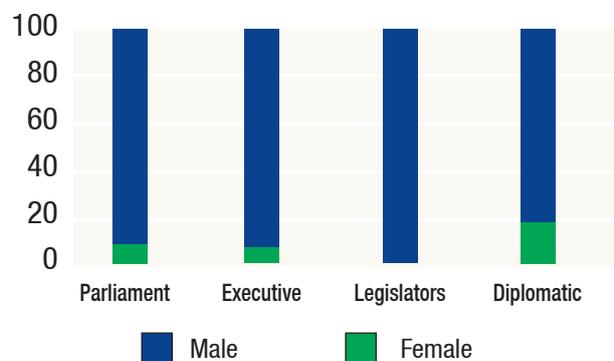
As a matter of fact, whether it is their occupation or specialisation (i.e. lawyers, judges or magistrates), women do not have the same opportunities to access leadership positions. According to the Secretary General of the National Union of Magistrates, “women are a majority as members but absent from the syndicate”. Although representing more than 42% of the judiciary, they are almost absent from the board and the bureau of this organisation.

Egypt

The first Egyptian Women’s suffrage, right to vote and equality of opportunity was explicitly stated and guaranteed in the 1956 Egyptian constitution.

However good, no impressive progress has been registered since then. Over the past 12 years, the rank of Egypt was 111th in 2006 with a score 0.022 and the 122th in 2018 with a score of 0.087¹²³.

Figure 23 : Participation in Political & Public Affairs (EG)



In spite of that, it is worth to recognize the notable continuous increase of the rate of women’s participation, which reached 37% of the leadership positions in the executive branch of the State in 2012. Moreover, women represent 20% of the members of the diplomatic service at all levels from the post of Ambassador until the position of third Secretary. With only 4 women who were in the government in 2014 which included Deputy Minister in Finance and Foreign Affairs. The representation of women at ministerial level has improved recently. The presence of women at ministerial position increased to 8 representing 12% in the current cabinet. Women ministers are in charge of portfolios of Manpower, Health, Social Solidarity, Planning and International Cooperation, Information as well as the Environment.

122. Salima Tlemçani “Avocates et magistrates face aux inégalités d’accès aux postes de responsabilité”, publié par AW le 8 mars 2014, mis à jour le 1er juin 2018, <https://algeria-watch.org/?p=18289>

123. The GGGR-WEF 2018

With each new Egyptian Parliament, the percentage of female parliamentarians increases substantially, reaching a record high of 15 %, in 2018¹²⁴. While improvements are encouraging, the proportion of elected women parliamentarians in Egypt ranked 136th in the IPU classification and the fifth among the 6 countries under review¹²⁵ with a sex-ratio of 0.18 as a result of 14.9% of women MP and 85.1% of men¹²⁶.

Representation at the local level has also witnessed tremendous improvements. For example, women are now better represented than before in executive boards of administration of local governorates and are elected as the president of city councils. Data also shows an improved representation among women from communities in rural areas (villages). According to the 2008 available data related to the last local council elections, 44,000 out of a total of 51,402 local government members, were elected by acclamation or appointed. Approximately 5% of these 44,000 non-elected members were women. In fact, since 1979, women have never represented more than 10% of a local government body in Egypt. Again, as was the case with women’s parliamentary representation, higher proportions of women in local government have coincided with the implementation of a quota system (1979, and 1983) (Wahbi, 2008)¹²⁷ noting that Egypt abolished affirmative actions of election list quotas for women on national and local levels.

66 women judges were appointed at various moments, from 2007, then 2008, and 2015¹²⁸ with the first ones being promoted in 2007. The Egyptian Supreme Council of the Judiciary promoted hundreds of judges across the country. Among them 16 women gained high judicial posts in March 2016, to only quote for instance the position of president of the Qena Appeal Court and the head judge of the Tanta Economic Court in addition to the assistant to the minister of justice on human rights¹²⁹.

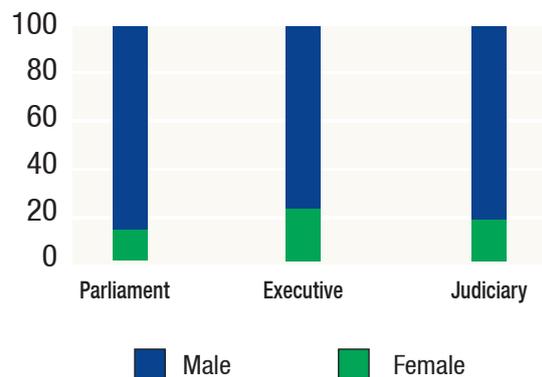
Jordan

Suffrage was granted to Jordanian women in 1974.

“While Jordan is making good progress, it goes without saying – true for every country – that there’s room for improvement”¹³⁰.

A slight one has been realised since 2006. Jordan was ranked 100th at global level with a score of 0.048. In 2018 it is at the 129th position out of 149 countries but with a score of 0.075¹³¹.

Figure 24 : Participation in Political & Public Affairs (JOR)



124. <http://egypt.unwomen.org/en/what-we-do/leadership-and-political-participation/women-representation-in-local-councils>

125. Algeria, Jordan, Lebanon, Morocco and Tunisia

126. The GGGR-WEF 2018

127. OECD-NCW: Women’s Political Participation in Egypt Barriers, opportunities and gender sensitivity of select political institutions July 2018

128. National Council for Women/NCW sources

129. <https://raseef22.com/article/1071186-egyptian-judiciary-room-women14> March 2018

130. OECD: Women’s political participation in Jordan: barriers, opportunities and gender sensitivity of select political institutions, 2018 <http://www.oecd.org/mena/governance/womens-political-participation-in-jordan.pdf>

131. The GGGR-WEF 2018

Jordan appointed the first woman as a minister in 1979. After almost four decades, the government formed in June 2018 brought the largest number of female ministers in the history of the Hashemite Kingdom of Jordan with the nomination of 7 of the 29 ministers representing 24.1%, the highest percentage of female representation in all Jordanian governments.

The representation of women inside political parties, including party leadership, remains very limited. According to national statistics issued by the Jordanian National Commission for Women/ JNCW in 2011, the percentage of women's membership in 17 political parties - current as of 1992- did not exceed 5% noting that women are not present in party leadership in three quarters of the surveyed political parties¹³². On the 18th election for House of Representatives in September 2016, the total number of candidates reached 1252 out of which only 257 were women. Only five of them were elected. Combined with the total number of women by quotas systems, the total percentage of women in the Jordanian House of Representatives reached 15% the same year. In 2018, the women's representation in parliament was the same.

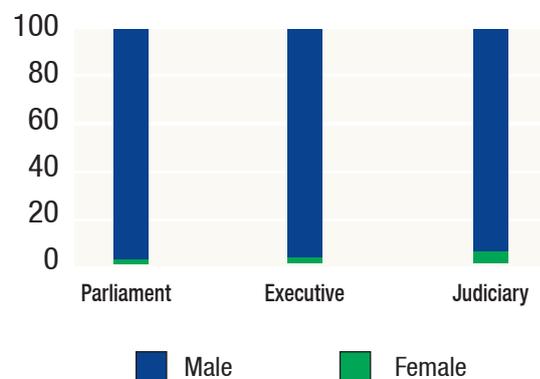
Women's representation in the judiciary has also improved. The number of male and female judges continued to increase from a total of 754 judges in 2009 to 970 in 2016. This number included 180 women i.e. approximately 18.5%¹³³.

Lebanon

Women in Lebanon gained suffrage in 1952, only five years after men did in the new Republic (in the year 1947).

Lebanon was not among the countries covered by the GGGR-WEF in 2006 and its performance in 2018 is very weak with a score of 0.024 at the 147 position out of 149 countries.

Figure 25 : Participation in Political & Public Affairs (LEB)



In 1952, Lebanon became one of the first countries in the Arab region to grant women equal rights to participate fully in politics¹³⁴. However, the country is driven by a slight improvement in performance regarding political empowerment as showed by the various figures.

In 2018, on the ministerial level, women occupied only 3.4 % of the total ministerial positions. Fortunately, in January 2019, figures changed for Lebanon, since in the newly formed government, the Cabinet included more women elevating the rate to 11 %. Indeed, five women are among the 30 members, with one of them named Minister of Interior Affairs for the first time in Lebanon's and the MENA Region's history, the other portfolios being Finances, Energy and Water, Social and Economic Rehabilitation of Youth and Women and administrative development.

132. More information are available at <http://www.oecd.org/mena/governance/womens-political-participation-in-jordan.pdf>

133. Sources: Reports issued by the Ministry of Justice in Jordan for 2016

134. Avis, William Robert (16 August 2017), Gender equality and women's empowerment in Lebanon – Knowledge, evidence and learning for Development (K4)

As regard to women presence in elected bodies despite a clearly expressed political will and a very strong and well-structured national campaign, Lebanon's 2018 Parliament included only six females out of 128 PMs, up from just four in the previous 2009 elections¹³⁵. In 2019, Lebanon has one of the lowest percentages of women in parliament globally. Lebanon comes at the 184th position in the IPU classification out of 193 countries with 4.7%. The share of women elected to municipal councils in 2016 reached 5.6%, across geographical districts, compared to 4.6% in the 2010 round¹³⁶.

Since 2009, the number of male judges has gradually decreased against an increase in the number of female judges. According to the last official census of judges in Lebanon¹³⁷, the percentage of women in the judiciary has gradually risen from 15% in 1993 to 47,7% in 2017¹³⁸.

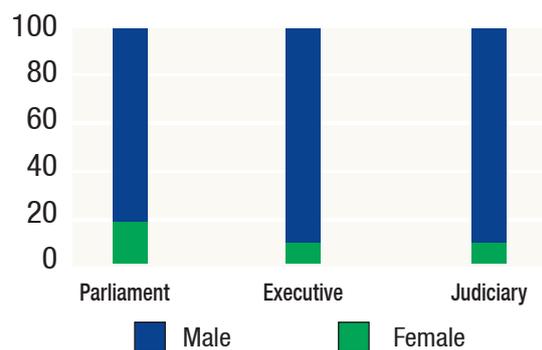
The number of female judges is currently 248 out of the total of 520 judges. This increase over the past years indicates that women are expected to comprise the majority of judges by the end of 2019 but is that necessarily means that "Although Lebanon is, without a doubt, a country ruled by men, it has increasingly become one judged by women"¹³⁹?

Morocco

Women in Morocco acquired the right to vote in 1963 few years after the independence of the country (1956)

In 2006, Morocco was ranked at the 92nd position out of 115 countries with a score of 0.015. In 2018, the country ranks at 102 and its score is 0.117.

Figure 26 : Participation in Political & Public Affairs (MOR)



Moroccan women remain under-represented in politics, public sector leadership and administration. While the representation of men ministers is 77.5%, the share of Moroccan women ministers is only 22.5%. Indeed, in the current government there is only one woman Minister¹⁴⁰ (in charge of women affairs within the portfolio of solidarity, women, family and social development) out of 30 ministers. In October 2007, for the first time in Morocco, 7 women entered the Government, including 5 full title-Ministers.

Thanks to the quota mechanism, the presence of women rose in the Moroccan lower house from 16.7% in 2011 to 20.5% in 2016 --i.e. 60 women out of 395 PMs ranking the country 98th out of 193 countries in the IPU classification in 2019. These low performances concern also women in the legislatures, local elected bodies and officials where women are only 0.3% of the active population against 1.1% of men¹⁴¹.

135. <http://www.dailystar.com.lb/News/Lebanon-Elections/2018/May-09/448633-lebanon-elects-six-women-to-parliament.ashx>

136. https://sustainabledevelopment.un.org/content/documents/19484Lebanon_VNR_2018.pdf

137. The Cabinet decree on judicial appointments and transfers of 10 October 2017

138. Nizar Saghih and Lama Karame, "Feminising the Judiciary: Which Positions? Which Jobs? Which Districts?", The Legal Agenda, 2012, available at <http://legal-agenda.com/article.php?id=2908>. quoted in ESCWA: Women in the Judiciary in Lebanon - https://www.unescwa.org/sites/www.unescwa.org/files/.../presentation_lebanon.pdf

139. https://now.mmedia.me/lb/en/reportsfeatures/a_country_judged_by_women__

140. Member of the ruler Islamic party (Justice & development)

141. Haut-commissariat au Plan/High Commission for Planning, 2014

At the level of public administration, women represent 35.5% of the total number of civil servants. They are 21.5% in positions of responsibility¹⁴². Thus, for instance, at the level of the trade unions, women delegates of elected employees represent 20.61% against 79.93% of male delegates¹⁴³. Concerning the judiciary system and judges' body, women represent 24% against 76% of the men judges¹⁴⁴.

Tunisia

Women in Tunisia acquired the right to vote in 1959, three years after the independence of the country, and more than this only three years after the adoption, in the same year (1956), of the most "revolutionary" family code for that time as regards women's rights and not only in the region.

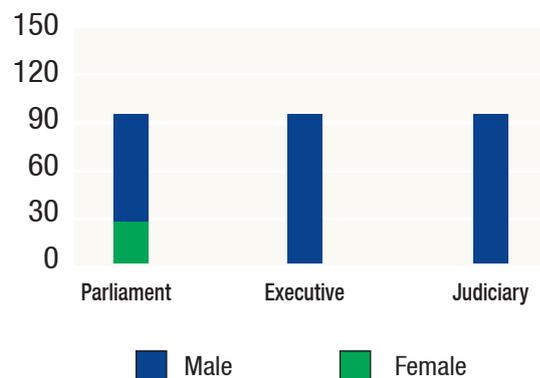
In 2006, Tunisia ranked globally at the 53rd position with a score of 0.110. In 2018, with a score that doubled -0.216- the country is the 55th.

As a matter of fact, despite these performances which seem to indicate a progress, it is worth to note that achievements related to women participation in Tunisia are not reflected in all aspects of leadership in public life including in politics from one part, and not enough for a country recognised as a pioneer for women's rights not only in the MENA Region but extended to others, during the fifties.

Despite the new government, likely to favour the place and evolvement of women in the political scene, women's representation in the executive branch remains lower than men's. Indeed only 23% of ministerial cabinets are held by women out of 30 in the current government and corresponding to only 3 women ministers out of 26¹⁴⁵ –portfolio of Women, Family, Childhood and Seniors; of Environment and Secretary of State for Housing--. These are the current proportions that do not really reflect the representativeness of women in the successive governments since 2011 (10 governments until November 2018), where they also had technical portfolios such as finances and economy.

With the quota measure, 11.5% of women were elected to the Chamber of Deputies for the 1999-2004 legislature and 22.7% for 2004-09, doubling the number of women in Parliament. After 2011, Tunisia achieved a remarkable progress in terms of gender equality in the political participation area. The legislative elections of 2011 and 2014 enabled Tunisian women to acquire respectively 24% of

Figure 27 : Participation in Political & Public Affairs (TUN)



142. Ministry of Economy and Finance, 2017

143. Ministry of Labour and Occupational Integration, 2016

144. According to the latest available data: statement of the former Minister of Justice and Freedoms, <http://fr.le360.ma/politique/magistrature-le-maroc-compte-1000-femmes-juges-56163>

145. Portail du gouvernement tunisien (<http://fr.tunisie.gov.tn/3-membres-de-gouvernement.htm>) <https://www.ohchr.org/documents/professionalinterest/cedaw.pdf>

the seats in the National Constituent Assembly/ANC and 35% of the seats in the Assembly of People's Representatives /ARP, out of 213 AMs bringing the ratio M/F to 1.8. Such representativeness placed Tunisia 29th in the IPU world classification.

Yet with regards to the level of political party leadership as pointed out¹⁴⁶, women represent only 47% of candidates, (same turnout at the 2011 elections) and they were only 12% as head of list (+ 5% comparing with 2011 election). In the 2011 elections, 47% of the voters were women, in 2014, they were 50,5%¹⁴⁷. These figures show that the Tunisian woman does not hold the place she deserves and there is still room for improvement in this area.

Tunisia has seen a marked increase of women in the judiciary system in recent years. According to the National Institute of Statistics/INS¹⁴⁸; in 2016, there were 1032 women magistrates out of 2418 with a ratio M/F of 1,34. During the same year, women made up 40% of those entering the judiciary, compared to 26% in 2008, and the gains are due in part to a rise in the number of women studying law and political science, as highlighted in a study conducted by CAWTAR in cooperation with the International Development Law Organisation/IDLO¹⁴⁹. Women accounted for about 75 % of law students in 2016. At the Institut Supérieur de La Magistrature¹⁵⁰, a public institution under the Ministry of Justice's supervision, women made up 38 % of the students in 2016, while across Tunisia, the number of female graduates from university schools of law and the social sciences reached about 67 % of all graduates in those fields.

Box 17

Political Empowerment of women depends not only on legal reforms, policy initiatives and measures, the will of politicians, their ideological political trends but are also subject to the overall political climate in the country and related societal dynamics. It could be influenced by what is happening in the region whether positive or negative. Women and their participation in public and political life is always the object of bargaining in politics and public life as a whole but also in the private sphere.

146. Statement of Gender Concerns International, 2014

147. Gender Concerns International Preliminary statement on the observation of parliamentary elections October 26th 2014 Tunisia Gender Election Monitoring Mission <http://www.genderconcerns.org/pdfs/Gender-Election-Monitoring-Tunisia-2014-preliminary-Report.pdf>

148. INS. 2018. Characteristics of civil servants and their salaries 2012-2016. Tunis. pp.76 (<http://www.ins.tn/sites/default/files/publication/pdf/Rapp-agent-fonct-publ-2016-V2-9.pdf>)

149. Ibtissem Jamel: Women Make Gains as Judges in Tunisia, 18 Jan 2018 <https://www.al-fanarmedia.org/2018/01/women-make-gains-judges-tunisia/>

150. Higher Institute of the Judiciary

SECTION I-II.3. Right to Economic Participation and Opportunity

As already highlighted in the introduction of the PART I, even if the “Economic Participation and Opportunity” gap is the only subindex that has slightly reduced since last year, it remains the second-largest at 41.9%. That means that a number of economic rights are not realised not to say violated.

1. Definition and international standard

The very overall definition of economic rights is “the just claims and legal guarantees to access, participate in and profit from the production, distribution and use of property, intellectual property, income and wealth”¹⁵¹.

In its PART I and Article 1, alinea 2, the ICESCR stipulates that “(...) All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence (...)”.

It recommends in its PART II, Article 2, (Alineas 1 & 2) to each State Party to “(...) take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures (...) to guarantee that the rights (...) will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (...)”. The alinea 3 of the article 2 requires from developing countries to also to determine based on their national economy to which extent they could “guarantee the economic rights of non-nationals”. It is worth to highlight that this alinea is very “timid” and “cautious” but at the same time realistic because even economic rights of nationals in developing but also developed countries are not always guaranteed.

As the ICCPR, the article 3 of the ICESCR states clearly the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

The Article 13 of the CEDAW requires from the States Parties to “take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights” focusing for instance in its alinea (a) on the right to family benefits and on its alinea (b) on the right to bank loans, mortgages and other forms of financial credit¹⁵² (...)”.

The International Covenant on Economic, Social and Cultural Rights/ICESCR is devoted to the human rights that concern the basic social and economic conditions needed to live a life of dignity and freedom. ESCR rights are crucial to enable people to live with dignity. This treaty covers important

151. Source: RHW <https://glosbe.com/en/en/economic%20rights>

152. Alinea (c) refers to cultural rights.

areas of public policy, such as: The right to work; The right to fair and just conditions of work; The right to social security; The rights to an adequate standard of living, including adequate food, clothing and housing; The right to education; Cultural Rights ; The right to health and The right to an adequate and healthy environment including The right to water.

Even if human rights are indivisible and inter-dependents, due to the purpose of this report, this section will focus mainly on two indicators of the economic rights and social rights as defined by the GGGR-WEF Economic Participation and Opportunity Subindex namely:

- Female, male labour force participation rate¹⁵³.
- Wage equality between women and men for similar work¹⁵⁴.
- Female, male estimated earned income (US\$, PPP)¹⁵⁵.

2. Economic Participation and Opportunity at global level

According to the 2018 GGGR-WEF, the second subindex where the gender gap remains very large is Economic Participation and Opportunity. Globally, just 58% of this gap has been closed, with minimal progress since last year. Just 14 countries are above the 80% milestone. These countries are fairly distributed among five regions: two are from East Asia and the Pacific (Lao PDR and the Philippines); two are from Eastern Europe (Belarus and Latvia); two are from Latin America and the Caribbean (Barbados and Bahamas); six are from Sub-Saharan Africa (Benin, Botswana, Burundi, Cameroon, Guinea and Namibia); and two are Nordic countries (Sweden and Norway).

In general, the East Asia and Pacific region is characterized by relatively high female labour force participation, which impacts positively on the regional average of the Economic Participation and Opportunity subindex. Eleven out of the region's 18 countries have achieved a level of at least 70% gender parity on this subindex with the Lao PDR as the best performer with a 91% mark. 94 countries have yet to close a 30% gap or more.

3. Economic Participation and Opportunity at regional level

The MENA region is expected to experience economic growth forecasted by the World Bank for the coming years. Does this mean this same growth will reduce the gender gap and improve the situation of women in the MENA countries? Nothing is less certain if we refer to the World Economic Forum's latest global index on the gap between women and men (2017 and 2018), considering the MENA region is the least affected by the progress made in reduction of the gender gap. Indeed, as already highlighted due to the weak performances at global level, the gender gap in economic participation and opportunity will take 202 years to close noting that countries from the Middle East and North Africa region are predominant in the nineteen countries that have yet to close over 50% of their gap. On Economic Participation and Opportunity, the Middle East and North Africa and more particularly the MENA Region -that includes 16 Arab economies - ranks ahead only of South Asia.

153. Measures the proportion of a country's working-age population that engages actively in the labour market, either by working or looking for work.

154. Response to the survey question, "In your country, for similar work, to what extent are wages for women equal to those of men?"

155. Measures the amount of income that women and men in a country receive in the aggregate.

Country	Overall rank	Overall score
Kuwait	127	0.541
Bahrain	128	0.515
Qatar	129	0.511
Algeria	132	0.452
United Arab Emirates	134	0.439
Tunisia	135	0.439
Lebanon	136	0.432
Oman	137	0.430
Egypt	139	0.421
Mauritania	140	0.408
Morocco	141	0.404
Jordan	144	0.375
Saudi Arabia	145	0.337
Yemen	147	0.299
Syria	148	0.273
Iraq	149	0.264

Only three Arab countries scored slightly above average. Kuwait (127) records notable narrowing of gender gaps in professional and technical workers, moving the country up several ranks. Bahrain (128) records a widening gender gap in estimated earned income for the second year in a row, while simultaneously narrowing its gender gap in professional and technical workers. Qatar (129), also narrows its gender gap in labour force participation. The United Arab Emirates (134) sees a widening gender gap in wage equality. Oman (137) re-enters the Index this year, with a larger gender gap than previously recorded in 2016, mostly due to a wider gap on the Economic Participation and Opportunity subindex. Similarly, Mauritania (140) also experiences a decline in wage equality. Saudi Arabia (145) marks improvements in wage equality and women's labour force participation. The Middle East and North Africa regional ranking is completed by Syria (148), Iraq (149) and Yemen (147).

A quick overview on the labour market participation across the MENA region is necessary to compare the various data from other sources but also to understand the dynamics of the labour force participation and access of women and men to labour market. The labour force participation rate in the region remains among the world's lowest, standing at 44.6% in 2017 against a global average of 62.9%. This is mainly due to the extremely low participation rates among women and youth respectively at 22.5% and 31.9% in 2017¹⁵⁷. Moreover in 2015, ILO placed northern Africa, as a whole, with the highest regional youth unemployment rate in the world, at close to 30% that year.

Overall, the employment growth of 2017 has slowed down to reach rate 3.4, in comparison to 3 in 2000. Vulnerable employment holds record high of 33.1 and the rate of employment working poverty (earning between US\$1.90 and US\$3.10) reached 34.4%. In addition, a large share of youth,

156. The GGGR-WEF 2018

157. ILO: World Employment and Social Outlook: Trends 2017 International Labour Office – Geneva, 2017 https://www.ilo.org/wcmsp5/groups/public/---dgreports/-dcomm/---publ/documents/publication/wcms_541211.pdf

158. Idem

particularly young women, finds themselves Not in Education, Employment or Training/NEET¹⁵⁸. ILO 2015 data show that, among those aged 15–29 years, NEET accounts for 32% in Tunisia including some 42% of young women and 40% in Egypt, among them 64% of young women.

The average female labour force participation across MENA countries is below the OECD countries' average of 50.9%. Unemployment rate (% of people aged ages 15–24) has reached 51 % among women compared to 25 % among men. In Jordan and Algeria only about 16% of women older than 15, participate in the labour force, whereas in Egypt, Libya, Morocco and Tunisia it ranges from 25% to 32%¹⁵⁹.

Although the economic opportunity gap has slightly reduced this year, the progress has been slow, especially in terms of participation of women in labour force, where the gender gap slightly reversed. Moreover, the overall impact of these achievements is tempered by a decline in wage equality and gender parity in estimated earned income, highlighting the countries continued economic gender gap.

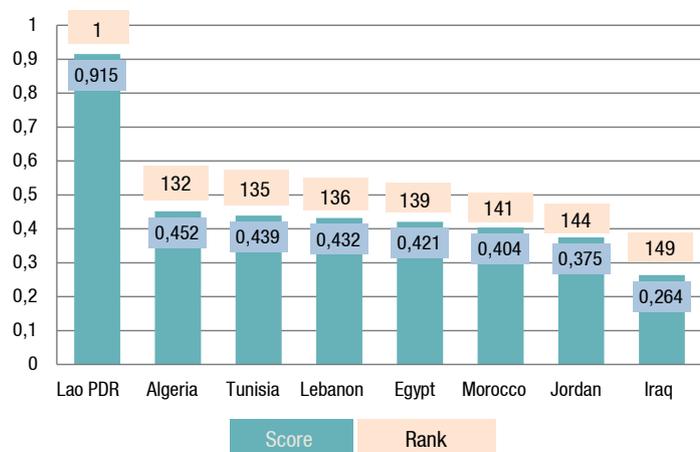
Box 18

Bahrain has made tremendous gains in closing the gender gap in education attainment however women still lag far behind in labour force participation. They represent 40.5%, lower than half of percentage of males 86.6%. Interestingly enough, with a high level of estimated earned income of 33,017\$ above the average across the region, but still below than men in Bahrain with 56,061\$ per annum. Bahraini women still steer away from engaging in professional or technical employments showing only 18.2% compared to men at 81.8%. Only 3.9 of adult women in Bahrain are unemployed¹⁶⁰.

4. Economic Participation and Opportunity in the countries under review

Figure 28 : Economic participation in the six countries: Top and Down ¹⁶¹

The herewith figure shows the place of the six countries covered by this report between the highest and the lowest of the scale. In 2018, the Lao-PDR realises the top performance for the economic participation and opportunity being the first ranked globally with the closest score to the gender parity i.e. 0.915. Iraq is the 149th out of 149 countries with a score of 0.249.



159. OECD: Women's Economic Empowerment in Selected MENA Countries: The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia, OECD Publishing, Paris, 2017

160. The GGGR-WEF 2018

161. The GGGR-WEF 2018

Gender & Trade

Algeria's with a GGI at the 128th ranks at 132nd place globally being the first among the six covered countries for this subindex. The Algerian performance remains largely stable, due to a narrowing gender gap in professional and technical workers. Tunisia which is the first ranked 119th among the MENA Arab countries for the GGI experiences a widening gender gap in wage equality and is placed at the 135th place for the economic index. Despite its progress in other areas, Lebanon (GGI/140) remains largely unchanged being at the 136th position for this subindex. Egypt (GGI/135) continues its steady progress on gender parity in professional and technical workers. It is ranked at the 139th place. A similar positive trend is observable for Morocco (137), which sees continued progress on the Economic Participation and Opportunity subindex despite its 141st rank for this subindex, driven by increased wage equality. The overall performance of Jordan (GGI/138) with no progress as regard to women economic participation is at the 144th place.

As was the case for the political empowerment sub-index, MENA's progress in the economic field is far from sufficient to show a significant change in almost all the Arab countries in the MENA region. As demonstrated in the herewith 2006-2018 scores (Table 14) even those under review have even dramatically decreased particularly if the national efforts in terms of legislation and policy are to be considered.

Table 14 : Economic participation and opportunity, 2006-2018¹⁶²				
Year	2006		2018	
Country	Rank	Score	Rank	Score
Algeria	103	0.443	132	0.452
Egypt	108	0.416	139	0.421
Jordan	105	0.442	144	0.375
Lebanon	--	--	136	0.432
Morocco	102	0.461	141	0.404
Tunisia	97	0.480	135	0.439
Rank out of	115		149	

The GGGR-WEF ranking is always based on a cross-analysis of the performances of a given country or in comparing countries in the same region or from a region to another due to the interdependence of the subindexes and impact on the overall Gender Equality Gap. In this section, only the data and indicators related to this subindex will be used to assess the progress, the step back or the stagnation in the Region as a whole and the six countries covered by this Report.

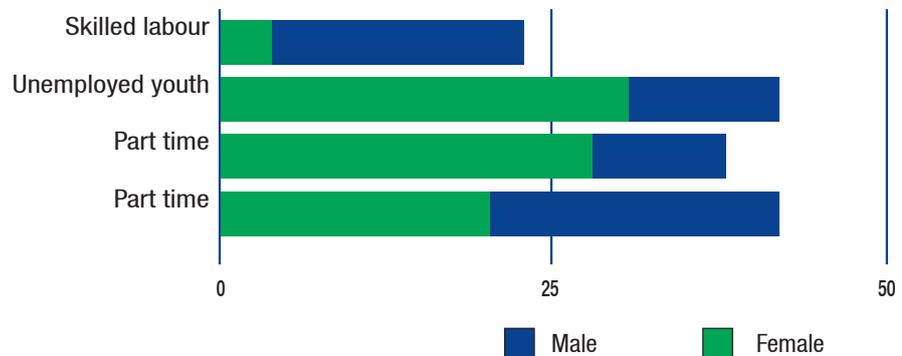
162. The GGGR-WEF 2018

Gender & Trade

Table 15 : Economic Participation and opportunity in the 6 countries			
Indicator	Female	Male	Sex-ratio
Algeria			
Labour force participation	16.7	73.0	0.23
Estimated earned income (US\$, PPP)	4,686	25,655	0.18
Legislators, senior officials, and managers	8.4	91.6	0.09
Egypt			
Labour force participation	24.1	77.7	0.31
Estimated earned income (US\$, PPP)	5.102	17.920	0.28
Legislators, senior officials, and managers	6.4	93.6	0.07
Jordan			
Labour force participation	24.1	77.7	0.31
Estimated earned income (US\$, PPP)	5.102	17.920	0.28
Legislators, senior officials, and managers	6.4	93.6	0.07
Lebanon			
Labour force participation	25.9	76.2	0.34
Estimated earned income (US\$, PPP)	5.877	23.411	0.25
Legislators, senior officials, and managers	8.4	91.6	0.09
Morocco			
Labour force participation	26.8	78.9	0.34
Estimated earned income (US\$, PPP)	3.455	13.075	0.26
Legislators, senior officials, and managers	12.8	87.2	0.15
Tunisia			
Labour force participation	27.1	76.6	0.35
Estimated earned income (US\$, PPP)	5.098	18.889	0.27
Legislators, senior officials, and managers	14.8	85.2	0.17

Algeria

Figure 29 : Labour Force Composition (ALG)



In 2006, Algeria was at the 103rd position out of 115 countries for the subindex related to Economic Participation and Opportunity with a score of 0.443 which declined to 0.452 in 2018 at the 132th position¹⁶³.

For the Labour force participation, Algeria ranks 146th out of 149 countries with a score of 0.229 (global average 0.669). The female labour force outlook in Algeria has worsened since 2012 with a score of 16.7% for women vs 73% for men. Algerian women are well represented in professional and technical work with 44.2 above the average score of the MENA region¹⁶⁴.

According to the National Statistics Office/ONS, the employment rate in 2017 is 13.5% for women and 60% for men. The distribution of the labour force by sex and level of education undeniably shows that in activity's gender gap is narrowing when it comes to higher levels. In fact, the participation rate of women holding a higher education diploma is 48.1%, almost 3 times the overall activity rate of women, compared with 65.8% for men.

Women in Algeria enjoy the benefits of measures and safeguards that ensure wage equality for similar work. The country ranks 15th out of 149 countries with a score of 0.779 higher than the global average of 0.645. Yet, the gender gap in estimated earned income is widening with estimates of women earning 4,624\$ per annum compared to males 25,319\$.

The unemployment rate is for the same year, 20.7% for women and 9.1%. Unemployed women accounted for 34% of the total unemployed population in 2017. The unemployment rate for women with tertiary education is 25.5% compared with 10.5% for men. Female graduates make up 55.3% of the female unemployed population compared to 13.3% for men¹⁶⁶. The figures show that women are sanctioned by the structure of the labour market. This fact underscores the extent to which the labour market mirrors the social constraints and social based dissemination against women.

Young women Not in Education, Employment or Training /NEET reached 32.1% compared to those of males at 10.8%. The percentage of unemployed female adults reached 17.1% almost the double of males 9.2%. The share of high-skilled women in labour force reached 4.6 % a diminishing percentage compared to that of males at 18.1%¹⁶⁷. Notably, the main reasons behind the high rate of female unemployment in Algeria, compared to that of men, can be attributed to the unemployment rate for women with tertiary education levels and limits of the Labour Market for such level.

163. The GGGR-WEF 2018 <http://reports.weforum.org/global-gender-gap-report-2018/data-explorer/#economy=DZA>

164. The GGGR-WEF 2018 <http://reports.weforum.org/global-gender-gap-report-2018/data-explorer/#economy=DZA>

165. GGGR-WEF 2018 comparatively to 13th out of 144 countries (GGGR-WEF 2017)

166. ONS, 2017

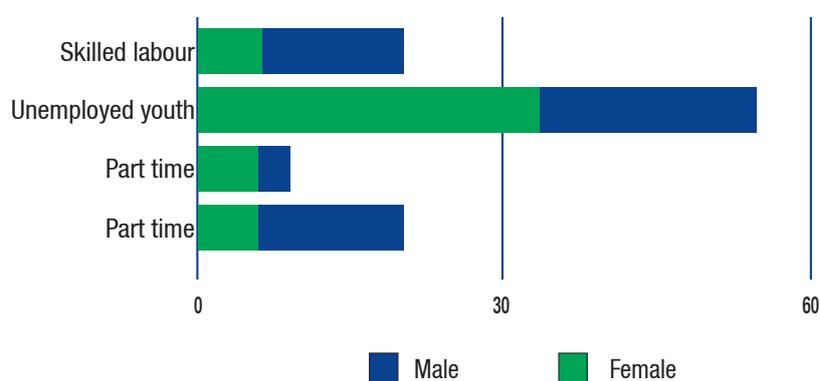
167. The GGR-WEF 2017-2018

On the strictly economic level, unemployment of highly educated women is not only a waste of human capital but also a serious waste to economic resources, to only quote the cost invested in vocational training. The absorption of the massive demand for women's work but also of youth, under the double effect of demographic growth and the improvement of the level of education, requires a reflection on the adequacy between training and the supply of employment.

Egypt

From 2006 to 2018, Egypt occupied, for the Economic participation and opportunity subindex, respectively the rank of 108th out of 115 countries and 139th out of 149 countries with almost no differences between the scores during these 12 years with 0.416 in the first year of the publication of the GGGR by the WEF and 0.421 last year (2018).

Figure 30 : Labour Force Composition



In 2018, Egypt is at the 141st rank out of 149 countries on the global gender gap sub index for labour force participation with a score of 0.310 and a sex-ratio of 0.31. Young women labour force participation in Egypt has declined to less than one-third that of young men.

According to the Gender and Trade country report, Egypt government employment is the most popular type of paid employment among women, especially in urban areas¹⁶⁸. 49 % of employed women were working for the government in 2012 compared to 20% of employed men. This may be indicative of women's preference for jobs that have better working hours and benefits to enable them to take care of their children. This is why married women are more likely to work in government jobs (57% of married women's employment in 2012) than never-married women (32% of never-married women's employment in 2012). However, as the government of Egypt ended the guaranteed job program for secondary and university graduates in 1998, women's share of government jobs is shrinking.

While never-married women's participation in the private sector has risen since 1998 to 2012 from 12 % to 25 %, married women's participation has stayed about the same in the same time period, 3 % to 4 %. The share of high-skilled women in labour force reached 7% compared to 12.1% among men. Women are often offered part time employment with 7% compared to 3.4% of men¹⁶⁹.

Egypt ranks 139th with a score 0.068 on the gender gaps related to legislators, senior officials, and managers with only 6.4% of women and 93.6% of men and a sex-ratio of 0.07. Women professional and technical workers represent 38.4% vs 61.6% of men, ranking the country 113th with a score of 0.624 not too far from the global average, 0.753¹⁷⁰.

168. Egyptian Labour Market Panel Survey/ELMPS, 2012 <http://www.erfdataportal.com/index.php/catalog/45>

169. Egyptian Labour Market Panel Survey/ELMPS, 2012 <http://www.erfdataportal.com/index.php/catalog/45>

170. The GGGR-WEF Report, 2018

As a matter of fact, distribution of employment by sector suggests that a higher number of women are employed in the service sector at 52% followed by agriculture at 43% and industry at 5%¹⁷¹. Female employment distribution reached 54% in Egypt, of which 21.6 % worked in time-related underemployment, compared to only 4% among males¹⁷².

In particular, female employees face tremendous discrimination in the private sector, where informality within the employment contract system is the norm rather than the exception, and employers do not want to pay for mandated 90 days and unpaid breaks for motherhood leave. In Egypt, women workers in informal employment reached 35.39% lower than men 53.8%. Women are more likely than men to be engaged in unpaid subsistence work, especially in rural areas.

As regard to wage equality for similar work (survey), Egypt is ranked 56th with a score of 0.679 and a sex-ratio of 0.68. The country ranks 131st for the estimated earned income (US\$, PPP), with a score of 0.285, distributed as follows: 5, 102 US\$ for women and 17, 920 US\$ for men with a sex-ratio of 0.28¹⁷³ noting that Egyptian women in employment often contribute to family expenditures with 40.1% with only 5.7% for men. Men outnumber women in being own-account workers at 14.5% compared to 6.4% of women.

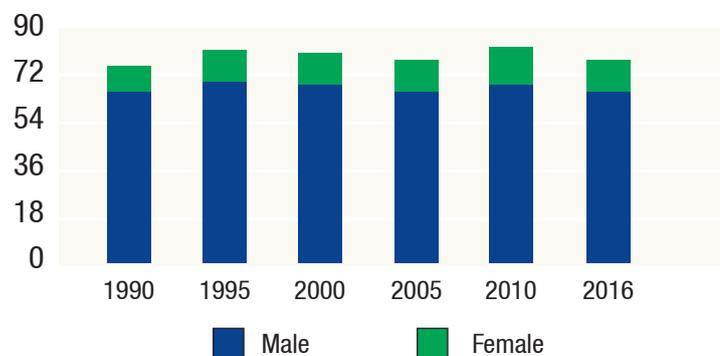
Unemployment, female (% of female labour force) in Egypt was reported at 24.66 % in 2017, according to the World Bank collection of development indicators, compiled from officially recognized scores¹⁷⁴.

Jordan

In terms of economic participation and opportunity, Jordan ranked, in 2006, 105th with a score of 0.442.

In 2018, the decline is more than conclusive since the country is at the 144th place out of 149 countries with a score that has fallen to 0.375.

Figure 31: Labour Force Participation



Globally, Jordan ranks 147th for labour force participation with a score of 0.222. (Average 0.669) with 14.9% for women, 67.1% for men and a sex ration of 0.22¹⁷⁵. Women's share in the labour force in Jordan mounts to only 15% compared to 67% for men.

The Figure 31 represents the best illustration of the dynamics of women and men participation in labour force in Jordan. As assessed in the Jordan Gender and Trade Report (CAWTAR-SIDA 2019), women's low economic participation is one of the main challenges facing the country. In 2016,

171. World Bank (2016) 'The Little Data Book on Gender 2016' p. 247.

172. ILO: World Employment and Social Outlook: Trends 2016 International Labour Office – Geneva: ILO, 2016 https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_443480.pdf

173. The GGGR-WEF Report, 2018

174. <https://tradingeconomics.com/egypt/unemployment-female-percent-of-female-labour-force-wb-data.html>

175. The GGGR-WEF 2018

women's participation in the active labour force did not exceed 16.9% vs 62.7% for men with a sex ratio of 3.7 as published by the Department of General Statistics¹⁷⁶.

According to the same source¹⁷⁷, the total of employees consists of 52.8% of men and 12.3% of women with a sex-ratio of 4.3. Women account for 43.2% of the number of employees in ministries and governmental institutions. Female representation as employer or self-employed is still low, accounting for only 4% of female employment as a whole.

The average monthly wage for employees in the public and private sectors for both sexes amounted in 2015 to 484 dinars: 499 dinars for men compared to 446 dinars for women, a gap estimated at 11.8%. The wage gap between men and women amounted to 16% in the public sector, and 18.3% in the private sector. There is also a gender gap in wages in the public and private sectors¹⁷⁸.

According to the 2016 data provided by the Department of General Statistics, the Equal pay (average monthly wage in JD) is 458 JD for women and 507 JD for men with a sex-ratio of 0.9. In 2018¹⁸⁰, Jordan is ranked 84th with a score of 0.626 as regard to the wage equality for similar work (survey). As per the Estimated earned income (PPP, US\$), Jordan ranks 145th out of 149 countries with a score of 0.163. While the estimate earned income among women in average reached 2,544\$ per annum, it is more than six times higher among males reaching 15,417\$ per annum with a sex-ratio of 0.16. Only 1.5% of female workers have their own account compared to 10.3% of men. There is also a gender gap in wages in the public and private sectors.

Adult women out of labour market are the double of adult men showing 20.7% vs 10.1%. Jordan has not yet been able to benefit from female out performance in educational attainment. The high unemployment rates among educated women holding BA degree or above is a significant indicator of the existence of a serious imbalance in providing the labour market with much needed specialties¹⁸⁰.

Another issue related to the rapid expansion of the "brain drain" phenomena is affecting the Jordanian labour market and productivity. In 2017, The Ministry of Labour estimated that around 425,000 highly skilled experts are working abroad. The source also indicates that the Gulf Council Countries are the most preferred destination for Jordanian expats and their families. Despite its negative effects on the labour market, it is fair to note that a growing number of expats abroad could also have some beneficial outcomes for the economy to only quote the increase of money transactions consequently increasing the foreign currencies levels that enrich the national reserves¹⁸¹.

Last but not least, Jordan had to face last years, tremendous challenges as a result of low levels of economic growth, workers strikes and geopolitical tensions in neighbouring countries and, the increasing refugee crisis (e.g. Palestine, Iraq, Syria). As a matter of fact, this crisis has considerably impacted both economic growth and GDP in 2015 estimated at 2.0 % and 2.9 %, respectively. This is far below the averages of 5.8 % and 4.8 % achieved in Jordan during the 2000-2011 period. As a result, labour force participation is expected to worsen in the near future, particularly for women.

176. Department of General Statistics. Employment and Unemployment Survey/EUS - 2016. <http://erfdataportal.com/index.php/catalog/133>

177. Department of General Statistics. Employment and Unemployment Survey/EUS - 2016. <http://erfdataportal.com/index.php/catalog/133>

178. Jordan Gender and Trade Report (CAWTAR-SIDA 2019)

179. The GGGR-WEF 2018

180. Jordan Gender and Trade Report (CAWTAR-SIDA 2019)

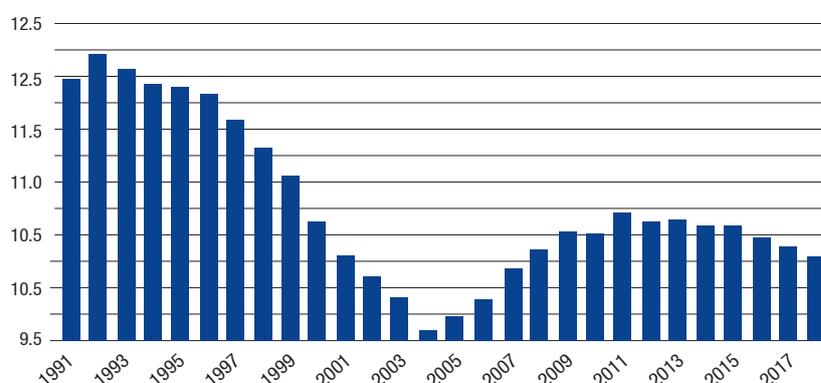
181. Jordan Gender and Trade Report (CAWTAR-SIDA 2019)

Lebanon

Lebanon was not among the GGGR countries in 2006 but in 2018, it ranks 136th with a score of 0.432.

The proportion of women participating in the labour market is increasing, yet, it is still quite low and women's unemployment rates are relatively high.

Figure 32 : Female unemployment (LEB)¹⁸²



Lebanon is certainly not the last ranked in the Economic participation and opportunity subindex but its achievements are not at the level of ambitions of its society, its women and men. The female labour participation rate in Lebanon is on par with that of other countries in the region and has been rising steadily, albeit from a low level but still far from meeting the minimum requirements particularly if compared to education realisations and its human capital. Indeed, as per the Labour Force Participation, the country is at the 139th position with a score of 0.340 assessing women and men presence in the labour force at 25.9% and 76.2% for men, respectively. The sex-ratio is 0.34¹⁸³.

According to the Lebanon Gender and Trade report (CAWTAR-SIDA 2019). The data collected at national level are very close to the one reported by the 2018 GGGR-WEF. It is striking that female labour force participation stands at only 26%, while that of men is 76.4%¹⁸⁴. According to the same source¹⁸⁵, the share of high-skilled women in labour force reached 10.1% compared to males at 14.1%. Only 8.4% of women are reported by the 2018 GGGF-Report among the category “Legislators, senior officials, and managers” with 91.6 % of men showing a very low sex-ratio of 0.09, despite the high-level education and capacity of Lebanese women¹⁸⁶.

Women's labour force participation peaks at 40% between the ages of 25 and 34 years old and falls to less than 25% within the age range of 35-44 years when career achievements usually become more visible.

According to the Lebanon Gender and Trade report (CAWTAR-SIDA 2019), economic growth has slowed down tremendously resulting in widening gender gap in labour force participation. Female youth Not in Employment or Education or Training reached 27.3% compared to males 16%. While 70.9% of men aged over 15 participate in the labour market, only 23.3% of women over 15 participate. Though, the proportion of women participating in the labour market is increasing¹⁸⁷ noting that women's participation in the informal labour is 57 %¹⁸⁸.

182. https://www.theglobaleconomy.com/Lebanon/Female_unemployment/

183. The GGGR-WEF 2018

184. LEBANON, Promotion of the private sector at the expense of obstructing sustainable development; spotlights on countries - Arab NGO Network for Development (ANND)

185. Lebanon Gender and Trade Report (CAWTAR-SIDA 2019)

186. The GGGR-WEF 2018

187. <https://www.bti-project.org/en/reports/country-reports/detail/itc/LBN/>

188. ANND, Repercussions of Tax Policies in the Arab Region; Policy Briefs – Arab NGO Network for Development, July 2017 quoted in Lebanon Gender and Trade Report (CAWTAR-SIDA 2019)

In 2017, the gender wage gap exceeded 40 % and the unemployment rate among women was 18 %¹⁸⁹. In 2018, Lebanon ranked 101st for the Wage equality for similar work indicator with a score of 0.587. The sex-ratio for the estimated earned income (US\$, PPP) is 0.25 with 5.877 US\$ for women and 23.411 US\$ for men¹⁹⁰ corresponding to around four times higher that women earned income.

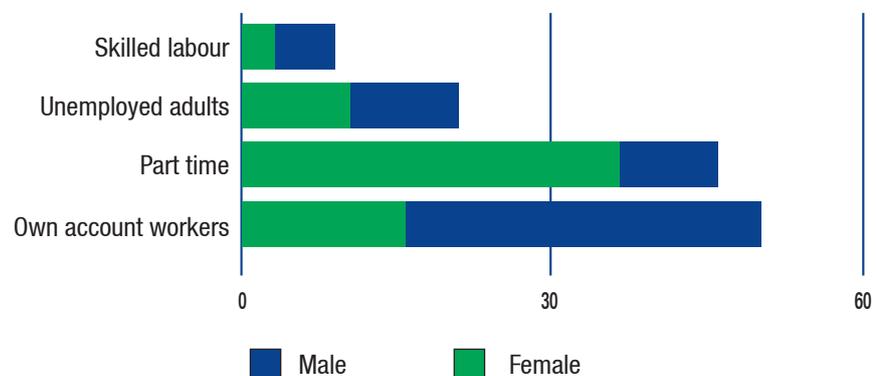
Unemployment rates are high among university graduates, which indicate a mismatch between labour supply and demand¹⁹¹. Over 52% of working women were under 35 years of age as compared with approximately 38% of working men¹⁹². The unemployed adult women reached 10.4 double the percentage of unemployed adult males 5%¹⁹³. The data provided by the World Bank for women unemployment in Lebanon show in the above Figure 32 an average value during the period 1991-2018 of 10.78% with a minimum of 9.57% in 2004 and a maximum of 12.24% in 1992¹⁹⁴. This reality demonstrates the efforts that are needed from Lebanon.

Similar to Jordan, Lebanon is a host country for refugees to only quote currently an estimated 1 million Syrian refugees registered with UNHCR, another estimated 500,000 unregistered Syrian refugees, according to other various sources. An additional 450,000 Palestinian refugees also call Lebanon home. This large refugee population, particularly the influx from Syria, puts a significant strain on the infrastructure of a country with a total estimated population, in 2016, of 6 million. As illustrated above, Lebanon is facing tremendous challenges in employment.

Morocco

In 2006, the country ranked 102nd with a score of 0.461. It took a step back in 2018 at the 141st position and a decrease of the score 0.404.

Figure 33 : Labour Force Composition (MOR)



Morocco was among the first Arab countries that joined the Global Gender Gap assessment conducted by the World Economic Forum in 2006. That year corresponded to a reform momentum in the country as regards gender equality and women empowerment which started in 2005. Unfortunately, the economic participation benchmarks, as it is the case for other subindexes, do not really give an account on the results expected from that momentum.

189. Lebanon Gender and Trade Report (CAWTAR-SIDA 2019)

190. The GGGR-WEF 2018

191. European Training Foundation, 2017 - https://www.etf.europa.eu/sites/default/files/m/A5C1FD46A96C7D58C12580E600517539_Lebanon%202016.pdf

192. Yaacoub, Najwa and Lara Badre (Oct. 2011), The Labour Market in Lebanon, Issue 01, the Central Administration of Statistics (CAS) Lebanon quoted in Lebanon Gender and Trade Report (CAWTAR-SIDA 2019)

193. Lebanon Gender and Trade Report (CAWTAR-SIDA 2019)

194. https://www.theglobaleconomy.com/Lebanon/Female_unemployment/

195. Haut-commissariat au plan. (2016). Note d'information du haut-commissariat au plan au sujet des principaux enseignements sur la qualité de l'emploi en 2016.

196. Haut-Commissariat au Plan et la Banque mondiale : Le marché du travail au Maroc: Défis et opportunités. 2017

The Gender and Trade country report (CAWTAR, SIDA 2019) stressed the low participation of women in working life which is also reinforced by low access to employment. Indeed, Morocco has one of the lowest female labour force participation rates in the world. Indeed, the participation rate of Moroccan women in economic activity is estimated at 25.1%, whereas it is around 73% for men.

Morocco is at the 140th position out of 149 countries in the global Labour Force Participation ranking with a score of 0.340. Moroccan women still lag far behind men in joining the labour market. Their participation is recorded at 26.8% in 2018 compared to 78.9% among men with a sex-ratio at 0.34.

As many other countries of the region and beyond, Morocco is characterised by the dominance of a very young workforce, with nearly 47.3% of the total actives being under 35 years of age. However, it is worth to highlight the weakness of the qualification of employment in Morocco noting that 60.4% of employed persons aged 15 and over have no degree, and 98.2% of the employees did not benefit from any training supported by the employer during the last 12 months¹⁹⁵. According to 2017 national data, only 35.6% of professional and technical workers are women¹⁹⁶. In 2018, 12.8% of women are assessed among legislators, senior officials, and managers vs 87.2% with a sex-ratio of 0.15¹⁹⁷.

Moreover, the analysis of the quality of employment and the Moroccan workforce structure reveal the predominance of the informal sector as well as its low level of qualification and feminisation. In fact, the informal sector employs 59.2% of employees, half of whom are men, and nearly half of the women workers are unpaid family workers¹⁹⁸.

The analysis of the distribution of the Adult Occupied Labour Force by Sector of Economic Activity (Table 16) shows that women are ubiquitous in agriculture, forestry and fishing. These occupy nearly four out of ten jobs or 41.1% of jobs. In addition, the “services” and building and public works sectors are more masculinised¹⁹⁹.

Table 16 : Distribution (%) of the adult employed labour force by sector of economic activity, sex and place of residence²⁰⁰									
	Urban			Rural			Total		
	M/F	M	F	M/F	M	F	M/F	M	F
Agriculture Forestry & Fisheries	4,9	4,9	4,8	74,5	64,5	93,3	39,3	31,6	60,4
Industry including crafts	18,4	16,9	24,5	4,4	4,8	3,5	11,4	11,5	11,3
Buildings & public works	10,9	13,4	,5	7,7	11,6	,0	9,3	12,6	,2
Services	65,7	64,7	69,8	13,7	19,0	3,2	39,8	44,2	27,9
Not specified activities	65,7	64,7	69,8	13,7	19,0	3,2	39,8	44,2	27,9
Total	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0

197. The GGGR-WEF Report, 2018

198. Haut-Commissariat au Plan et la Banque mondiale : Le marché du travail au Maroc: Défis et opportunités. 2017

199. Haut-Commissariat de la Planification/HCP. (2014)., Activité, emploi et chômage, résultats détaillés, 2013

200. Haut-Commissariat de la Planification/HCP. (2014)., Activité, emploi et chômage, résultats détaillés, 2013

This employment situation is combined with differences in remuneration between women and men for similar work. As an example, on average, in Morocco, for every dollar earned by a woman, a man earns \$ 3.85 knowing that the earned income is estimated at the equivalent of \$ 3455 and \$ 13075 for men. According to the MTIP, the average monthly salary difference between men and women is close to 20% on average²⁰¹.

On average, only 63 % of women surveyed by the WEF (2017) affirm that they received equal wage for similar work with men. For 2018, Morocco is 90th for the Wage equality for similar work with a score of 0.611. The estimated earned income (US\$, PPP) women reached 3.455\$ per/annum compared to men at 13.075\$²⁰².

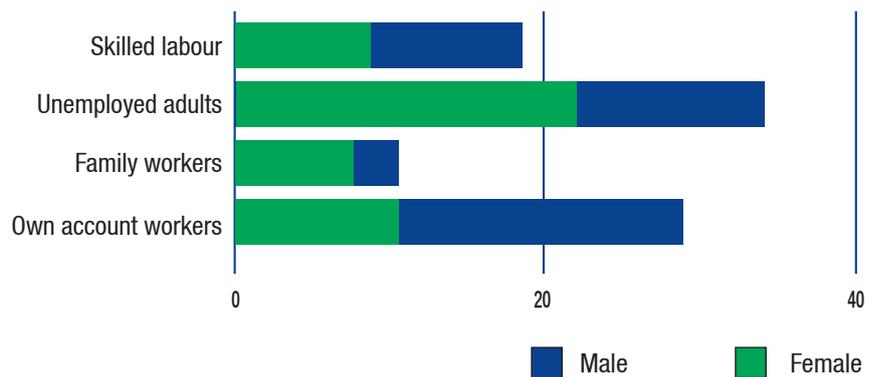
If the unemployment gender gap is not so wide with 10.3 % for women and 9.5% for men. Yet, this does not conceal the fact the women in Morocco are often offered part-time type contracts 38 % compared to a small percentage of men with only 7.9 %²⁰³.

Tunisia

Tunisia may have made tremendous progress in political empowerment but ranks 135th for economic participation and opportunity with a score of 0.439.

In fact, much more than stagnation, these results can be considered as a setback compared to those of 2006, where the world ranking of the country was 97th and its score of 0.480.

Figure 34 : Labour Force Composition



According to the economic participation available data²⁰⁴ reviewed and analysed in the Tunisia Gender and Trade report (CAWTAR-SIDA 2019), Tunisian women are the least favoured once they enter the labour market with a relatively low participation rate²⁰⁵ and a high unemployment rate compared to men. The breakdown of active by type (in thousands) in 2017 is 1171,6 women and 2905,5²⁰⁶ men. Employed population by sex (in thousand) for the same year is 905.3 women and 2546.2 of men with a sex-ratio of 0.35²⁰⁷. As showed in the above report, employment in non-formal sectors (in thousand) gives 147.3% for women and 519% for men with a sex-ratio of 0.28. The activity rate for 2006-2015 is 26% for women and 69% with a sex-ratio of 37,6.

201. Ministère du Travail et de l'Insertion Professionnelle, 2015

202. The GGGR-WEF Report, 2018

203. Haut-Commissariat au Plan et la Banque mondiale : Le marché du travail au Maroc: Défis et opportunités. 2017

204. "Profil Genre Tunisie 2015", INS; World Bank Indicators (www.wbdata.org) ; IACE (2017); WEF (2017), CNFCE (2018), Enda Tamweel (2017).

205. The participation rate is the ratio between the number of active and unemployed persons and the corresponding population as a whole.

206. Enquête nationale de l'Emploi, T1 2017, INS,

207. Enquête nationale de l'Emploi, T1 2017, INS,

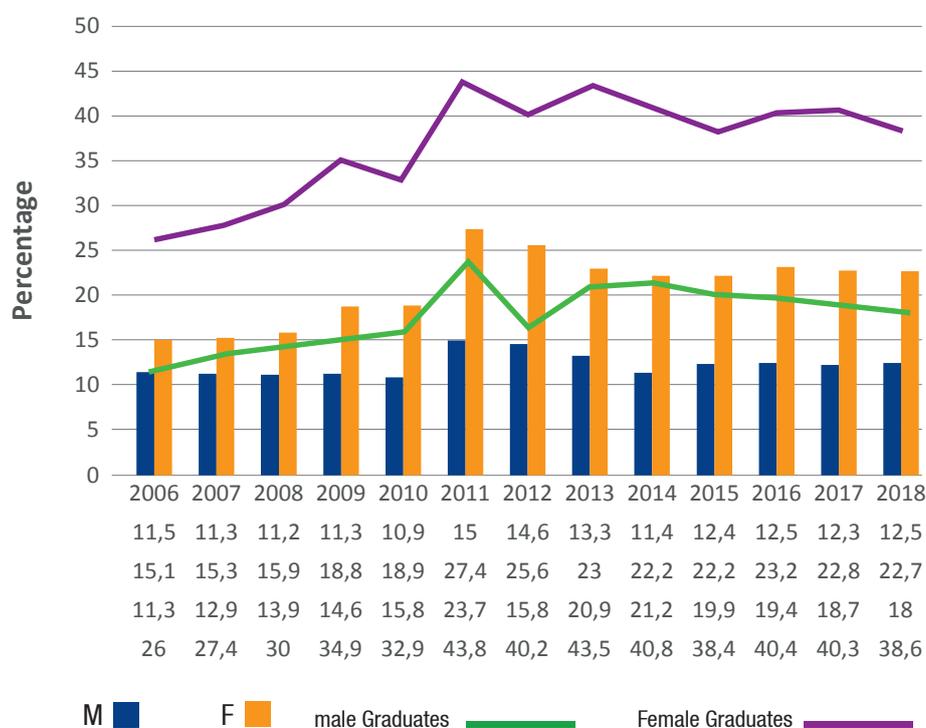
For the sub-index of participation in the labour market, in 2018, Tunisia is ranked 137th with a score of 0.354, which represents a decrease when compared to the 133rd rank of 2017²⁰⁸. Women represent 27.1% in the workforce where men are 76.6% setting a sex-ratio at 0.35.

For the same year, Tunisia is ranked 127th with a score of 0.173 as regard to the number of legislators, senior officials and managers with 14.8% of women, 85.2% of men and a sex-ratio at 0.17. Women are 41.5% in the category of professional and technical workers vs. 58.5% of men with a sex-ratio at 0.71 ranking the country at the 104th place with a score of 0.708 that could be considered acceptable comparatively to the global average (0.753) and other Tunisia performances in this subindex.

In 2017, the wage differences are 1y and 37 days for women equivalent to 1yr for men²⁰⁹. For 2018, Tunisia is 78th for the wage equality for similar work with a score of 0.637 not too far from the global average (0.645) and a sex-ratio of 0.64. The estimated earned income (US\$, PPP) women reached 5.098\$ per annum compared to men at 18.889\$ with a sex-ratio at 0.27²¹⁰.

Comparatively to men, women in Tunisia face very high unemployment. Unemployed female adults recorded 22.2 % compared to 12.5 %. Only 10.3 women consider themselves own-account workers. The unemployment of graduates highlights the paradox that the level of education is a brake on professional integration.

Figure 35 : Unemployment trends by sex and type of unemployed, 2006-2018²¹¹



208. The GGGR-WEF 2017-2018

209. Equal PayDay (IACE, 2017).

210. The GGGR-WEF Report, 2018

211. Source : Annuaire statistique de l'INS des années de la période 2006-2018

The data show that female unemployment is higher either as a whole or among graduates, as is shown by the M/F ratios (0.55 and 0.46).

Given the number of unemployed graduates, it has to be admitted that the level of education constitutes an obstacle to professional integration, even if paradoxical. Moreover, the situation of women is even worse since their level is higher among university graduates and they are more affected by unemployment with an alarming rate of 38.7% against 18% only for men. The situation has started to stabilize in 2014-2015 even though the gap remains significant. However, this number is constantly increasing. Additionally, during the first nine months of 2017, the MFPE granted just over 130,139 new contracts for jobseekers against nearly 97,661 during the same period of 2016, an increase of 33.3%²¹².

In conclusion...

A progress is recognised in the MENA region and more particularly in the Arab States including in the countries under review but it is still timid compared to both other regions of the world and efforts invested towards gender equality in enjoying human rights and development outcomes. Indeed as illustrated by the quantitative assessment and indicators showed in the above sections, it is obvious that a range of obstacles still persists ranking the countries of the Region in the last 40 positions and at best at 50 out of 149 countries to only quote the 2018 GGGR-WEF, the current reference that allows a comparative perspective.

Poverty, cultural values are still discouraging the education of girls and sometimes of boys particularly in marginalized areas either urban or rural however the tremendous progress and results at all levels of education are unfortunately not accompanied by genuine economic and social integration. This is the case particularly for graduates and worse for female graduate. In the majority of countries, they represent the highest percentage of both graduates and unemployed “a university degree in the Middle East is now more likely to lead to a dead end of unemployment²¹³” particularly for women.

The analysis of women participation in the political realm and, more in general, of the current political situation in the Arab countries, highlights that despite some advancement, the very limited presence of women in political decision-making positions is the reality and the risk for women’s rights is very realistic. Positive measures introduced to boost women’s political participation - the most recent elections in the area, showed the fragility of the acquired rights. The disadvantages associated with the electoral systems and the generally high expense required for running an election campaign together deter women’s participation in the political arena together with resistances within political parties themselves but also the social and political conservatives not to mention the fundamentalist trends. These are the reasons why the women place and role in national-level decision-making is still the lowest in the world and remains limited in spite of the introduction of measures taken by some countries²¹⁴.

212. Tunisia Gender and Trade Report (CAWTAR-SIDA 2019)

213. Ferid Belhaj Fixing the Education Crisis in the Middle East and North Africa, November 13, 2018 <https://www.worldbank.org/en/news/opinion/2018/11/13/fixing-the-education-crisis-in-the-middle-east-and-north-africa>

214. Faiza Benhadid, Background paper, UN WOMEN for Arab States & The Committee on Elimination of Discrimination Against Women (CEDAW Committee), Regional Consultation for the Proposed General Recommendation on Women Human Rights in Situations of Conflict and Post Conflict contexts, January 2013 <https://www.ohchr.org/Documents/HRBodies/CEDAW/Womenconflictsituations/RegionalConsultationAmmanJan2013.pdf>

The rise of extremist positions/trends -- blatant, latent or hidden--, conveying gender-based-discriminations can significantly hinder the advancement of women and many are the challenges to be undertaken. The impact of conflicts in the region led to further deterioration of women's socio-economic status relative to men; it is reflected in rising trends of violence against women including political violence not only in the countries in conflict or post conflict but also their neighboring countries. It is worth to note that women are the first group facing consequences in case of any type of crisis, conflict or post conflict situations: They are refugees, displaced assuming the burden of absent men or families noting that available statistics demonstrate that the situation of women in such situation is just exacerbated comparatively to "peace period".

The countries of the Region are also the worst performers in terms of women economic empowerment. In all areas, there are great intra-regional disparities also in terms of women's participation in the economy and the extent to which this participation has increased although decreased in most cases, to go back to the recent performances of the Region. To ensure achievement of gender equality, a more equitable access of women to, utilisation and control of resources with special concern for the unemployment of educated women are the main barriers and challenges to be addressed: "The millions of unemployed graduates in countries ranging from Morocco and Tunisia to Egypt and Lebanon represent a waste of precious human resources. This is especially true for young women, who achieve significantly higher outcomes in learning assessments than young men and outnumber them at universities but have twice the unemployment rate of their male peers²¹⁵.

Moreover, if insufficient job opportunities for both men and women is a reality in most countries of the Region due to an education system unsuitable for the market and development' needs, lack of learning and skills, absence of innovation and issue of quality of education, one fact is also related to discriminatory practices based on the gender construction of society and related distribution of labour and roles. Indeed, the belief that encouraging women to be in the labour market will lead inevitably to more unemployment for men, who are traditionally considered to be the bread-winners of the family is not exceptional even today. In total contradiction with their constitution and law and sometimes specific measures to ensure women's equal access, the priority given to men employment is still a usual practice among employers The average labour-force participation rate of women in these countries is lower than the respective rate in other regions of the world, and it is far below the level that would be expected in view of the literacy rates, life expectancy, and fertility rates of women in the region.

215. Ferid Belhaj Fixing the Education Crisis in the Middle East and North Africa, November 13, 2018 <https://www.worldbank.org/en/news/opinion/2018/11/13/fixing-the-education-crisis-in-the-middle-east-and-north-africa>



CHAPTER I-III

Legal & Policy Frameworks towards Gender Equality

CHAPTER I-III: Legal & Policy Frameworks towards Gender Equality

INTRODUCTION

1. The overall referral framework

Organised geo-strategically, the MENA region is one entity consisting of a multitude of entities with a number of commonalities and a series of “specificities” from a country to another but also within the same country. The Arab countries of the MENA region are much diversified, with different cultures influencing and shaping the political, judiciary, social and economic contexts. This is especially true when it comes to legal standards and systems that refer for most of them, to religion either in all its “purity” or partially. None of the Arab states endorsed secularism as a constitutionalized principle even if a number of them have adopted some of its principles applying them “à la carte” but not at all “pure” in any of the concerned countries.

Three of the world’s major religions, and more precisely the monotheistic traditions of Judaism, Christianity, and Islam - are all born in the Middle East. If they have gone beyond its frontiers to become universal, they are all inextricably linked to each other in the Region and continue to constitute the main foundations of the societal and family dynamics but also influencing the State/s’ political and economic functioning.

This situation often paradoxical makes any multifactorial analysis very complicated as we can see if we quote the example of a given country where two or three monotheistic religions coexist, in which Islam is the religion of the State and Sharia its main referral framework for both public and privates spheres, political or economic systems. At the same time this country endorses international standards (e.g. Beijing’s Platform of action), ratifies the Human Rights Covenants such as CEDAW but with reservations in reference to Sharia.

Sharia is the Islamic Law consisting of a set of principles derived from the words of the Prophet Muhammad (Hadith), his actions (Sunnah), and the Quran. It is not a list of rules and regulations, but principles that guide the different aspects of life. Sharia law cannot be changed, but the interpretation (Fiqh) by Islamic jurists (Doctors of the Faith) can.

In Arabic, “Fiqh” is derived from “meaning/understanding” and refers to Islamic jurisprudence i.e. legal opinions of the Islamic jurists. The Fiqh is always the result of “Ijtihad” (i.e. “effort”), the Islamic legal term corresponding to an “independent legal reasoning”²¹⁶, which is being used “when the Quran and Sunnah (the first two sources) are silent²¹⁷(...)”. “Fiqh” requires strong capacity and knowledge i.e. Theology and Arabic, legal theory based on the principles of jurisprudence²¹⁸.

216. As opposed to “Taqlid” (imitation)

217. <http://www.oxfordislamicstudies.com/article/opr/t125/e990>

218. Usul al-fiqh أصول الفقه

Depending on the question raised, the situation to be assessed and the answer/s to be found, Islamic jurists have room for maneuver with regard to Ijtihad with only one pre-requisite: the non-contradiction to the Quran. This is the reason why interpretation/s which result in declarations/fatwas and related applications vary from an Islamic doctrine/"Madh'eb"²¹⁹ to another, beliefs and practices but also on political and societal interest. Indeed, whereas in general, differences are not large among the Islamic doctrines, the doctrinal differences are influential in terms of religion, political and social. This in turn influences the Fiqh and Ijtihad. "Sunnis believe Ijtihad is fallible since more than one interpretation of a legal issue is possible (...) at the time Islamic reformers call for a revitalization of Ijtihad in the modern world"²²⁰.

In the MENA Region, countries use Sharia law in full or in part. For a number of them (i.e. Bahrain, Iraq, Kuwait, Mauritania, Qatar, Saudi Arabia, Sudan, the United Arab Emirates and Yemen²²¹), the legal system is based solely on Islamic Sharia law to govern both public and private lives of Muslims and sometimes Christians, while in most of the others the legal system is a hybrid combination of a version of French, British or Italian²²² but apply Sharia as a reference particularly when it relates to private, family and societal lives still with variations among religious doctrines and confessional groups "Madha'eeb".

The Islamic Law is enforced either totally or partially, differently according to the country or the ruling doctrine's own interpretation noting that some of them do not have constitutions. When it does exist, the Constitution does not necessarily refer to the Sharia Law but stipulates that Islam is the Religion of the State with a clause to other confession/s for the concerned countries. The 2005 Iraqi Constitution in its article 2 " just as an example "First: Islam is the official religion of the State and is a foundation source of legislation: (A) No law may be enacted that contradicts the established provisions of Islam. (B). No law may be enacted that contradicts the principles of democracy. (C). No law may be enacted that contradicts the rights and basic freedoms stipulated in this Constitution. Second: This Constitution guarantees the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandeian Sabaeans"²²³.

This type of Constitution provides however a regulatory framework for public authorities and the basic for rights of individuals and groups. Equal treatment of all citizens is upheld with some nuances as regard to the principle of non-discrimination and/or prohibition of its different forms (race, religion...) since only some of them clearly refer to the prohibition of sex-based-discrimination.

More efforts have been made to reinforce constitutional equality between citizens –men and women- while legislative reforms have been conducted to ensure equal participation of women and men both in public and private life (constitution, nationality, family and election specific codes and laws. Other laws (education, labour, health ...) are also based on the principle of equality between all citizens who are equal before the law with equal opportunities and right to personal freedom, education, health, welfare and work in public offices and many other rights and duties including political and economic participation with right to capital, property and to get credit... However men-women equality is not obvious or at least could be subject to misinterpretation when referring for instance to the citizens as a whole (i.e. the word is masculine plural even if the feminine and the

219. Islamic doctrines/"Madhaheb" consist of Sunni (Maliki's, Hanafi, Shafi'i and Hanbali doctrines), Ibadi and of Shiite (Jaafari, Ismaili and Zaidi)

220. <http://www.oxfordislamicstudies.com/article/opr/t125/e990>

221. Sharia Law Countries 2019 <http://worldpopulationreview.com/countries/sharia-law-countries/>

222. Depending on the former colonialist occupation

223. Iraq's Constitution of 2005 https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en

masculine do exist in the Arabic grammar). If the language is gender-blind, some are tempted to consider that only men are citizens. Exceptions do exist as well where constitutions clearly specify women and men.

As a matter of fact while most countries have made significant progress in securing and improving the legal status and rights of women through law reform and policy formulation, great gaps still exist between the law and its provisions, its enforcement and what happens in the real-life of the right-holders. Contradictions also exist between Constitution and positive laws²²⁴ that govern public life, from one part, and the laws that refer to the Sharia Law to govern private life and/or individual behaviors (e.g. family and penal codes), from the other. Last but not least, contradictions are noted within the national legislation system, and between the national laws from one side and the international commitments of the State Parties of the region from the other side, with no exception.

2. Legal rights are not always Human Rights

At the end of 2016, CAWTAR, supported by AGFUND and in partnership with OECD, UN-Women and UNDP completed a Gender and human Rights assessment and analysis of twenty national legislations²²⁵ covering the members of the League of Arab States/LAS, except Somalia and Comoros Islands. The review of Constitutions and laws regulating the rights and duties of the citizens overall and of women's rights in particular- highlighted the steps taken by Arab states to ensure men-women equality and evaluate actual realisation of women's defined rights as residents of a country. Laws apply to men and women alike. Additionally, women are entitled to human rights as well as rights guaranteed by laws. Yet one of the main findings was related to the necessity to differentiate between the rights stated to women through law, and those guaranteed by human rights covenants.

The concept of Human Rights stated in International covenants, conventions and/or Treaties— International law-- has to be differentiated from the Legal Rights granted by the country legislation --National Law--.

The rights guaranteed by laws do not always ensure equality among citizens and more particularly between men and women. Indeed, in many cases, laws may legitimate discrimination against certain groups, and once again more often it could target women in some cultures. Moreover, sometimes discrimination is justified by the intention to preserve women and protect their rights.

Human rights are, among others, to fight all forms of discrimination including sex-and gender-based discrimination and achieve equality among human beings, citizens with a special focus on gender equality. Furthermore, Human Rights are indivisible but not all of them are necessarily embodied in constitutions and laws even by a State Party.

Indeed, in addition to the reservations made by States Parties - all over the world and not only in the MENA region - such "conventions are not generally incorporated into the laws in force", making their application more difficult particularly when it relates to the principle of Gender Equality: the gender gaps assessed - Part II - Chapter II - I are the primary evidence of this reality.

224. Law proper or man-made law, as opposed to moral laws, or to natural or "God-made" law

225. CAWTAR's Arab Women Development Report 2015 on "Arab Women and Legislations", <http://www.arabwomenlegal-emap.org/SitePages/Home.aspx;file:///C:/Users/boutheinac/Downloads/Rapport%20legislation%20%20eng.pdf>

In conclusion, legal rights are not always human rights and human rights are not always legalised.

This work and related corpus that has been systematically upgraded and updated²²⁶ throughout the reforms conducted by the countries of the region since 2015 will constitute the main reference of this chapter in addition to the Gender and Trade country reports (2019).

3. Legislations/legal material

The more related legislations (laws, decrees, and decisions) of the 6 covered countries have been surveyed, reviewed and analysed to determine the state of art related to:

- Equality vs various forms of discrimination in public and private spheres: Constitution, Personal Status/Family laws, Labour and social protection laws...
- All other laws related directly or indirectly to economic empowerment and Gender & Trade (e.g. legislation and regulations relating to taxation, investment, customs, banks, loans and credits...).

226. <http://www.arabwomenlegal-emap.org/SitePages/Home.aspx>;

SECTION I-III.1: LEGAL RIGHTS IN THE PUBLIC SPHERE

1. Education Rights

1.1. *Right to Education at the regional level*

Most Arab countries constitutionalized the right to education and have enacted laws to operationalize it including in support of constitutional provisions concerning compulsory and free education. However, variations are recorded as regards to the right to education from one country to another, and from one document (Constitution) to another (Education Law) in the same country. Only a few of Arab states (Algeria, Egypt, and Yemen), guarantee the right to education to all citizens with no discrimination referring to sex and age group when others do not.

Many Constitutions do not refer to citizens or to the compulsory and free nature of education (Kuwait, Morocco, Saudi Arabia, Sultanate of Oman and Libya). For half of the Arab States, basic education, is compulsory and free (Algeria, Egypt, Tunisia, United Arab Emirates, Bahrain, Jordan, Palestine, Iraq, Syria, Qatar and Sudan). For others, education is a matter of free choice and not a right (Lebanon), whereas other countries do not constitutionally guarantee the right to education (Djibouti and Mauritania).

The language used in some laws to guarantee the right to education is not always gender sensitive referring for instance to young people (Syria) when others clearly specify the right to education for girls on equal footing with boys, women and men. A number of laws even hold parents responsible for their children's education (Syria). Sometimes husbands are held responsible for their wives' education (Qatar).

Some of the laws of in the Arab countries guarantee the right to education to rural women or women prisoners. However, they overlook this right to people with special needs. This may be due to the fact that guaranteeing such rights requires additional technical and financial investments.

Though illiteracy is a common phenomenon in most Arab countries, with the exception of the United Arab Emirates, only a few of Arab countries go as far as to integrate the eradication of illiteracy as a right guaranteed by the constitution (Yemen, Egypt, Saudi Arabia, Iraq and Sultanate of Oman). Yemen and Jordan enforce eradication of illiteracy policies through the education law on the basis of equality between all citizens.

Only two Arab countries (Egypt and Morocco) integrate the right to training and vocational training in their constitution. Training is enacted also in special separate laws in a general manner (Tunisia), or with an explicit reference to men (Iraq, Libya, Sudan and Palestine). A number of other countries refer to training and vocational training in laws related to labour, human development, labour force, education or combating illiteracy (United Arab Emirates, Yemen, Algeria, Djibouti, Iraq, Syria, Oman, Libya and Qatar). Discrimination among all citizens including sex-based discrimination in vocational training is also prohibited (Djibouti and Algeria) and even criminalized in some countries.

The educational curricula of Tunisia and Algeria focus on teaching schoolchildren the principles of gender equality. Mauritania follows by standardizing the curricula in the education reform law and making it obligatory to establish training centers for every vocation. The Chambers of Commerce in Saudi Arabia focuses on the training of women. Iraq has a high institute for training for all citizens.

Contradictions are noted in laws and constitutions which enforce discrimination against women in several cases. Reference to Islamic Sharia, traditions, and social patterns is made to justify the restriction on women's rights (Yemen and Kuwait) and sometimes under the pretext of protecting girls and women. Measures and provisions reinforce – by the power of law - various forms of gender-based discrimination that limit the enjoyment of rights, such as prohibiting co-education except in kindergarten (Saudi Arabia and Kuwait); or not allowing married women to complete their education in government schools. The same provisions allow male senior citizens to benefit from literacy programs (Kuwait), while making it conditional for women to be accompanied by a guardian during studying or training abroad (United Arab Emirates). They also stipulate the right of a guardian to terminate a training contract for “legitimate reasons”, and differentiate in the financial treatment between married male and female scholars, in training regulations (Sudan), or, in some cases, temporarily postpone the enforcement of the education law, with regards to boys and not girls (Oman).

1.2. Right to Education in the countries under review

Algeria

The Algerian constitution guarantees the right to education and training. Elementary education is free and compulsory for all Algerians. It covers the first nine years of schooling. According to the Law of National Education number 4 of 2008, enrolment into education and vocational education shall be equal. Schools shall teach children citizenship values and principles of equality. The law ensures the right to education to all citizens equally. It also provides that imprisoned females of education age shall receive education. The law calls for combating illiteracy and enhancing cultural activities among people.

Egypt

The right to education is guaranteed by the Egyptian constitution; every citizen has the right to education with the aim of building the Egyptian character, maintaining national identity, establishing civilizational and spiritual values and concepts of citizenship, tolerance and non-discrimination. Education is compulsory and free until the end of the secondary stage or its equivalent in all state educational facilities. The state is committed to developing a comprehensive plan to eradicate alphabetical and digital illiteracy for all citizens from all age groups. Freedom of scientific research is guaranteed, and the state is committed to provide equal opportunities for all citizens without discrimination. Egypt is committed to encourage and develop technical education and professional training and expand all types thereof, in accordance with the international quality standards, while adapting to the needs of the labor market.

Jordan

The Jordanian constitution, guarantees the right to education to all; constitution provides that education is a social necessity and is guaranteed to all upon their abilities and aptitudes. The state guarantees education through all stages starting from kindergarten and pre-school. Elementary education is compulsory and free in public schools. Different groups are entitled to establish their private schools. Higher Education aims to prepare highly qualified and specialized individuals in the various fields of knowledge, to meet the needs of society and enhance the democratic approach to develop the freedom of academic work, the right of expression, teamwork, responsibility and the

use of critical scientific thinking. The educational policy depends on the principles of participation, justice and democracy in addition to the freedom of scientific research and creativity in literary and cultural issues. The law of 2008 stipulates that state aims through the Employment-Technical and Vocational Education and Training Council (E-TVET) to promote technical and Vocational Education and Training and increase employment opportunities to achieve requirements of comprehensive development.

Lebanon

As above highlighted, Education in Lebanon is more a matter of free choice than a right even if it is guaranteed. Relevant ministries and municipalities work on the rehabilitation of persons with special needs inside regular schools and in special facilities, if necessary. The labour law guarantees the right to training in the private and public sectors. The employer shall train the trainee and award him/her a training certificate.

Morocco

The right to education is guaranteed for all children by the constitution; public education is free and compulsory starting at age 6 for boys and girls. The state and its institutions are obligated to endorse all available means, to enable men, women and children to enjoy modern and quality education, and preserve moral and social status, regardless of their circumstances. The constitution, the Compulsory education law and the Moroccan Family code ensure the parental (mother and father) responsibility to achieve quality education for their children.

As to the right to training; the Moroccan constitution and the mentioned laws stipulate that it is the parental and institutional responsibility to utilize available means to ensure children's right to training, especially for those facing difficulties in scholastic, social or vocational adaptation. The Labour Law identifies the rights of workers in programs of literacy and vocational training to integrate them and advance their careers. The exemption from compulsory education in some cases contradicts constitutionally and legally the right to compulsory and free education.

Tunisia

The right to education is guaranteed to all children constitutionally, full stages public education that are free and compulsory from age 6 to 16 taking into account the educational framework of the principles of non-discrimination on the basis of sex, social origin, colour or religion and ensuring fairness and equal opportunities (education and schooling Law No. 80 of 2002 and Directive Law 2002). The State seeks to achieve quality education and training and the consolidation of the Arabic language with openness to foreign languages and human civilizations and the culture of human rights and equality between male and female citizens in their rights and duties. For this purpose, the necessary resources are to be provided in general and to develop the scientific and technological research, in particular, as well as to ensure academic freedom and of scientific research. The Tunisian labour law of 1993 prohibits discrimination between men and women in right to training and imposes sanctions against such discrimination.

2. Civil and political rights

2.1. Civil and political rights at the regional level

Constitutional civil and political liberties overlap and intertwine in the Arab countries; hence, they cannot be reviewed individually in isolation from one another. Most of them explicitly stipulate the Gender Equality principle and consequently clearly prohibit non-discrimination among citizens including sex-based discrimination. Others recognize men- women equality in duties and payment of taxes. Only Algeria's Constitution states free business practices among all citizens including women. Other constitutions and laws clearly refer to the right to basic liberties i.e. personal liberties, freedom of belief, freedom of expression, confidentiality of correspondence, freedom of movement and freedom of press as well as rights to property and inheritance. Furthermore, there are Arab countries such as Algeria that outlaw abuse through Constitution or prohibit enslavement (Sudan, UAE and Libya).

Concerning the separation of powers, in the aftermath of the 2011 uprising, some countries opted for parliaments with two chambers (Egypt, Kuwait, United Arab Emirates, Djibouti, Sudan, Syria, Saudi Arabia, Palestine and Qatar). Most Arab countries endorsed the rights of women to run for elections, vote, take industrial action, demonstrate, form trade unions and public associations, apply for political asylum, address public authorities and participate in the political life as a whole. Some of them adopted affirmative actions such as quota systems (percentage or number of seats) in parliaments, political parties as well as municipal councils or provision of financial incentives to political parties to encourage women's participation (Mauritania). The Saudi and Algerian parliaments have electoral systems and appointment of women in the upper chamber.

Some countries do not consider women's representation/presence in parliaments as a necessity. The absence of supportive institutions such as political parties, which are still forbidden in some countries, reduces women's chances of political participation. Even if not specific to the region, in the Arab hereditary monarchies, the office is also passed through inheritance to a male family member. Constitutions and laws discriminate between men and women. Fluctuation between conditional equality and concealed discrimination is more than compelling. Unequal rights and a legally institutionalized discrimination threaten human rights and the rights guaranteed by the law to women restricting them in both public and private domains.

Indeed, in these constitutions, enjoyment of such rights and liberties is based on specific conditions, which make them treat men and women unequally to only quote public order, Islamic Sharia, customs, protection of women and/or of Islamic faith... These conditions do also include "woman nature" in reference to their reproductive function, roles and responsibilities within the household, the "weakness and incapacity of women" once again by "nature" used to limit their right to decision making or even to liberty of movement and until very recently to drive. For the same reasons, woman's deposition at a Sharia court is unacceptable. Only two women's similar deposition may be accepted – a condition that does not apply to men, which means that the deposition of a man is equal to two women's deposition.

Constitutions and laws discriminate between women themselves in multi-confessional systems (Egypt, Iraq, Jordan, Lebanon and Syria). At the time the Constitution stipulate gender equality as a basic right they also have a clause to allow different and multiple confessions from monotheist religions, "Tawaeef"(congregations) and "Madh'eeb" (doctrines) to govern as they will the private sphere and organise household relationships in the majority of cases to the detriment of women.

2.2. Civil and political rights at the regional level

Algeria

The constitution of 1996 and its amendments (up to 2008) provide that citizens are equal in civil rights, guaranteeing the basic liberties and human rights for all citizens who “enjoy and pass them on to future generations” to keep intact and safeguarded from violations. These rights, protected by law, include freedom of belief and opinion, preservation of private life and dignity, confidentiality of all forms of private correspondence and communication, freedom of expression, freedom of movement at home and abroad. Citizens have the right to choose their place of residence and to establish associations. All citizens are equal before the law and no discrimination can be justified on the basis of birth, ethnicity, sex, opinion, or any other personal or social condition. Institutions must ensure equality among citizens in rights and duties and remove the obstacles that prevent people from becoming open-minded and knowledgeable. Obstacles that stand in the way of effective economic, social and cultural participation must be removed.

Algeria guarantees to its citizens political rights and participation including the right to meetings and to establish political parties. The constitution provides for positive discrimination and quota to enhance women’s political involvement. In fact, Algeria enacted a law that regulates the enforcement of such constitutional provisions. The law takes into consideration geographic location and population density using a scale of 25% to 50%.

Egypt

Drafted in 2012 and amended in 2014, The Egyptian constitution addresses both men and women and provides that national unity is based on principles of equality, justice and equal opportunities for all citizens and between women and men. The State guarantees to its citizens uncensored equality before law and in rights, freedoms and public duties regardless of religion, belief or sex. The state is obliged to take necessary measures to eliminate all forms of discrimination, particularly in the civil rights and participation. Egypt guarantees to its citizens the rights to property and inheritance, housing, health, freedom of movement, decent living standards, security and tranquillity for its citizens and residents. Egyptians are free to choose their place of residence, move at home or travel abroad. Freedom of opinion and belief; freedom of expression; and freedom of media and publication are considered constitutional rights. The State is committed to ensuring health, economic, social, cultural, recreational and educational rights as well as job opportunities to the marginalized groups of women and men, especially those with disabilities.

Equal political rights and participation are ensured to all citizens with appropriate representation of women in the houses of parliament, as specified by law. Citizens have the right to organise public meetings, marches, demonstrations and all forms of peaceful protests and to form political parties, non-governmental organisations and institutions on democratic and not on the basis of religion or discrimination based on sex, origin, sect or geographic location. Every citizen aged 18 has the right to vote, run in elections, and express his/her opinion in referendums as regulated by law. Forming political parties and associations must comply with the constitution, law, and the principles of the democratic republic, rule of law and human rights. They must reject hatred, violence, fanaticism, and discrimination on the basis of religion, sect, and sex.

Jordan

Equality and equal opportunities for all citizens without discrimination or exclusion is guaranteed. The 1991 National Charter and the 1951 Constitution amended in 2011, enhance the notion of democracy through the emphasis on universally recognised Human Rights, rights of citizenship and freedom of media and publications. Citizens have the right to change their circumstances and improve their lot by legal means, and the right to hold varying opinions and express them in all possible means to participate in the decision-making process. Jordanian men and women are equal before the law, without distinction in rights and duties regardless of race, language or religion. All citizens have the right to exercise their civil rights protected by the constitution when they reach the legal age of consent at 20. Laws issued by the Constitution for regulating rights and freedoms shall not affect the core of such rights. The Jordanian constitution guarantees equality among all citizens in enjoying Political rights and participation; women's right to vote is guaranteed since 1955 and to run for elections since 1974. The 1986 Elections Act amended up to 2012, confirms the right of any Jordanian to vote at the age of 20; this includes all men and women holding the Jordanian nationality. In 2003, Jordan issued the parliamentary quota for women MPs assigning to them 7 seats. This ratio was raised by law in 2010 and 2012 to 15 seats. Women have already got 18 seats in the last elections. Political Parties Law of 1955 and completed in 2012, provides that all citizens have the right of forming political parties based on the principles of citizenship, equality, equal opportunities and non-discrimination related to sex. Law provides that women should constitute 10% of the founders of any party. The Law ensures freedom of opinion, freedom of association and forming associations and the right to address public authorities.

Lebanon

The "Taif Agreement" and the Lebanese constitution guarantee civil rights and participation to all citizens that include among others uncensored private and public rights and liberties, decent living, protection of private life, place of residence, and equality in duties and responsibilities among all without any discrimination. Lebanese are all equal before the law; the State ensures freedom of opinion and belief; freedom of expression; of media and publication, freedom of establishing associations and organizations. All citizens have the right to exercise their civil rights and duties. Sanctions are imposed against any act that impedes the Lebanese from exercising their rights using threat, power, physical or moral coercion. The legal age of consent is 18. All Lebanese are entitled to political rights and participation without discrimination, whether living inside or outside Lebanon. Voting age is 21. Every man and woman, who completed 25 years of age, has the right to vote and run for the parliamentary elections. The state facilitates the right of people with special needs to exercise their right to vote without obstacles. Proxy in voting is not allowed except in cases of voter's physical disability. Voting is prohibited in case the voter is convicted in a crime under the Penal Code, including rape.

Morocco

The 2011 constitution stipulates the responsibility of public authorities to protect the civil rights and participation and the legitimate interests of all citizens inside and abroad. For that purpose, an enabling environment for all citizens should be provided to allow citizens to enjoy freedoms and equality in rights and duties before the law. All citizens have the right to information, protection of private life, and confidentiality of correspondence and communication, the right to decent living by choosing place of residence and protection of private personal information. As stated in the constitution, citizens are entitled to freedom in choosing place of residence, moving at home or travel abroad, of opinion

and expression; of uncensored media, press and publication without limitation or control within the respect of linguistic and cultural pluralism, scientific and technical research, initiatives and free competition. Equal opportunities are guaranteed in providing care to the marginalized social groups.

Citizens, men and women, enjoy equal political rights and participation, including all stated freedoms; association and peaceful demonstration, forming political parties, and political affiliation. The State ensures to citizens, men and women, rights to peacefully demonstrate, vote and run for elections when reaching the legal age of consent. Formation of political parties on discriminatory basis either for religion, language, sect, sex, or any other form that violates the basic principles of human rights is prohibited. Public authorities are committed to strict neutrality in dealing with both men and women candidates, take all legal measures to promote equal opportunities between women and men and facilitate their access to electoral posts. The inheritance of the throne of the Kingdom of Morocco is confined to males of the King's family starting with the first male.

Tunisia

The 2014 constitution provides that Tunisia is a civil state based on citizenship, the will of the people, rule of law, and that citizens are equal in rights and duties before the law. The State guarantees to its citizens, uncensored private and public rights and liberties, decent living, protection of private life, place of residence, confidentiality of correspondence and communication, and private personal information. Tunisians are free to choose place of residence, move at home or travel abroad. The State ensures freedom of opinion and belief; freedom of expression; of media and publication. Tunisia protects and enhances the acquired rights of women. Establishment and funding of associations is based on respect for the principles of the rule of law, democracy, pluralism, transparency, equality, human rights, and the international conventions ratified by Tunisia. Associations are prohibited from inciting hatred, violence, intolerance and discrimination on the basis of religion, sex, or partisanship. Political rights and participation are guaranteed by Constitution including freedom of association and forming political parties in consistency with the constitution, law, financial transparency, and the principles of the democratic republic, rule of law, human rights, and ratified international agreements. They must reject hatred, violence, fanaticism, and discrimination on the basis of religion, sect, and sex. The state ensures people's equal rights to run for elections including the right to run for President of the Republic without discrimination and vote in accordance with the law guaranteeing women's representation in elected assemblies, with legal adoption of gender parity in elected councils²²⁷ and rejection of any electoral roll that does not respect gender parity and gender alternation –taking into consideration uneven number of seats in some constituencies²²⁸. Any Tunisian citizen aged 18 is legally entitled to vote²²⁹.

4. Economic rights

4.1. Economic Rights at regional level

Economic activities in the Region range from economic and agricultural sectors to the services and commercial sectors. Development in countries is measured by the extent to which they guarantee economic rights, in addition to the approved regulations in the laws and constitutions. As far

227. Decree 87- 2011 related to the organization of political parties

228. Decrees 27 and 35 of 2011, related to the establishment of high and independent authority for the election of the National Constituent Assembly

229. The Organic Law 16-2014, organizing the 2014 elections

economic and social rights of women, the legal analysis needs to be more comprehensive because their economic participation even on equal footing with men, does not necessarily mean they are economically empowered.

4.1.1. The Right to Work

Constitutions and labor laws of a number of Arab countries consolidate the right to work of all citizens (United Arab Emirates and Oman). They guarantee such right and give people the liberty to choose work. Even though some constitutions and laws use neutral or general terms or terms like “each person” or “every citizen” or “all citizens” without further specification (Kuwait, Qatar, Libya, Mauritania and Saudi Arabia), some do prohibit sex-based discrimination (Algeria, Bahrain, Tunisia, Djibouti and Iraq) or nationality-based discrimination (Djibouti). A number of Arab constitutions and laws refer explicitly to men-women equality in the rules governing employment (Algeria, Bahrain, Tunisia, Oman, Sudan and Yemen), emphasize the need to support women’s right to work (Bahrain), specifically focus on women’s right to sign contracts (Morocco) and/or assume public office and senior managerial positions in the state in addition to be appointed to judicial agencies and bodies (Egypt).

A number of countries outlaws sex-based discrimination whatever the reason (Bahrain, Djibouti, Lebanon and Syria) even if the reason has to do with social status (Syria). Equal opportunities are provided not only in employment but also in public office and carrier promotion, which is based on efficiency and expertise (Jordan, Tunisia and Syria), and in assuming different responsibilities in all areas (Tunisia, Iraq, Egypt and Morocco).

Professional and syndicate rights are granted by the constitutions and the laws to all employees/workers, with some exceptions (Oman, Qatar, Lebanon, Libya, Saudi Arabia and Yemen). All employees, men and women, enjoy without discrimination the right to weekly, annual or general sick leaves, or to a pilgrimage leave, in the countries where the law stipulates so. Some countries grant women a leave to accompany the husband in the case of travel for work or study but not the other way around.

4.1.2. The Right to equal wages and financial assets

Equal pay for equal work among citizens who include men and women is a legal principle and right in many countries of the region (Algeria, Tunisia, United Arab Emirates, Qatar, Kuwait, Libya, Egypt and Saudi Arabia). They also emphasize non-discriminatory payment of salaries to employees. Only one country (Iraq) stipulates that remuneration must ensure a better standard of living while taking into consideration the social status. However, definitions of equal pay may vary from one country to another. Indeed most legal provisions link this principle to a number of factors, not to say conditions such as: education; position; geographic location; nature and volume of work; difficulty and quality of performance in duties and responsibilities; working conditions and professional hazards as well as years of services and social status. Even if women enjoy through the power of Sharia full authority to dispose of their own financial assets, only one country states it in the law (Mauritania).

Some laws may also refer to the right of “every citizen, male or female, to fair pay” without defining the principle of fairness which leaves room for interpretations, including from a gender perspective. For instance, does that mean that since men are considered citizen, as the head and support of the family, they should enjoy a higher pay?

Some constitutions and laws (Jordan, Sudan, Oman, Palestine and Qatar) define a number of criteria to engage in trade such as property, capital and labour, taking into account for instance Islamic justice, social justice, labour, production, free market and economic activities... Married or single women aged 18 and above are granted the full right to engage in business, ownership of different resources and disposal thereof, including selling, without necessarily obtaining the husband's consent (Lebanon).

Referring to economic and developmental factors, creation of cooperatives, right to saving and freedom of investments and economic activities... are guaranteed in the constitutional and/or legal provisions to the interest of the individuals, society and countries (Jordan, United Arab Emirates, Bahrain, Sudan, Syria, Oman, Qatar and Kuwait).

4.1.3. Social Professional Rights

Maternal and childcare in most Arab countries are considered constitutional and legal rights. The law ensures the protection of women during pregnancy or after childbirth (prenatal and postnatal medical care) as it is prohibited to ask them to work overtime during the last six months before childbirth or to work 40 days thereafter. They enjoy paid maternity leave before and after childbirth, as well as time for breastfeeding thereafter. However, the right of working mothers to benefit from the full entitlement of the pre- and postnatal leaves --pregnancy/maternity/delivery leaves-- differs in many respects in the Arab countries, including in the duration of employment. For example, the maternity leave is not standardized in duration (days, weeks, months) but neither in the entitled number of times in women's reproductive life and employment (three times in Egypt). Working mothers are allowed, whenever necessary, to take leave to care for one or more children under the age of six when the children are sick or with special needs. They may also take an additional unpaid leave (for sickness or for childcare), if they so wish, but it requires a medical report. If they work in another institution, they lose this right.

The right to breastfeeding varies in time and duration among Arab countries. The allowed time for that purpose time given is considered as working and paid hours. Laws could guarantee provision of special room for breastfeeding in every institution that employs at least 50 women (Tunisia) or other facilities (Algeria).

The legal system discriminates against some segments and sectors where women are the majority. Agricultural, pastures, domestic male and female workers and the like, are excluded from the labour law coverage and related social benefits (Jordan, United Arab Emirates, Syria, Lebanon, Egypt and Yemen) notwithstanding the gaps in this area between the public and private sectors in all Arab countries. Women working in family businesses are also considered as contributing as a family member in the context of their reproductive role. They work under the governance and supervision of the husband, father, mother or brother and are sometimes excluded from social security benefits (Iraq). The rights of working mothers to pre- and postnatal leaves vary between the public and private sectors. There is also discrimination between female government employees and other female employees with regard to the duration of the leave (Qatar).

Although the right to retirement is guaranteed to all employed, there are differences in the retirement age among countries, sectors, and among men and women to only quote the entitlement conditions, the difference of women and men age of retirement, and in the duration of the employment, even when the retirement age is the same.

The right to pension is equally guaranteed to all men and women workers. It is worth to note however the only discrimination men face in some Arab States' legislations (Jordan, Bahrain, Palestine, Syria and Yemen) is related to the entitlement to the pension of the late spouse. Unlike the widow, a widower is entitled to the pension of his late wife only in case of injuries, disability or absence of income equivalent to this pension. Moreover, a number of laws in Arab countries require the submission of medical reports to claim it.

4.2. *Economic rights in countries under review*

Algeria

Constitutionally and legally, Algerians enjoy equally the right to work within a safe work environment and equal access to public offices as long as the legally defined conditions are met. Discrimination is prohibited at work on the basis of age and sex and equal pay is stated²³⁰. The law guarantees workers basic rights such as safety at work, preventative health measures, medical treatment, and rest. Workers are also entitled to physical and psychological wellbeing. The law prohibits employment of people under the age of 19 in night work. Law number 11-83 of 1983 ensures that social security covers sickness and disability of workers. The constitution ensures social rights related to work and secure living conditions for people under the age of employment and those who are unable to work. One social security system with various branches covers all in both public and private sectors in accordance with legally defined terms. This includes working mothers' rights regarding pregnancy care, delivery and fully paid maternity prenatal (one week) postnatal (14 weeks) leaves. They are entitled to two breastfeeding hours off per day off during work to nurse the baby during the first 6 months after their maternity leave and one hour for the 6 following months. The law prohibits suspension of women during pregnancy or after childbirth. Retirement and related pension are equal rights of men and women, with legally defined terms.

Egypt

According to the 2014 constitution and confirmed by the Labour Law, work is a right, a duty guaranteed by the state on the basis of equal opportunities for men and women in holding public posts and in respect to economic and social rights. The state is committed to ensure women empowerment to reconcile their family duties and work requirements. Discrimination in wages is prohibited on any ground including sex. In line with the International labour standards, Labour Law prevents women from working night shifts or being employed in jobs that are harmful to their physical or mental health as well as from hard work. The employer is required to display women's employment rules and regulations in an accessible place to inform women of their rights.

The social rights are paired with the principle of social justice and solidarity to ensure a decent standard of living for all citizens in general, and for marginalized or vulnerable groups in particular. All citizens who do not access to the social insurance system have the right to social security with focus on people with disabilities, poor and women. Civil Service Law establishes equal rights between men and women, as the right to unpaid leave to accompany a spouse in the case of traveling abroad for work or study and acknowledges women's right to work half the time compared to half of the wage considering this provision as positive discrimination. Men were entitled to this right which is

230. Labour Law number 11-90 of 1990 -and the amendments of up to 1997-

more in the spirit of gender equality²³¹. Egypt protects by the constitution and Laws motherhood and childhood such as the reduction of one working hour for pregnant women starting the sixth month of pregnancy²³² or prohibition of work overtime during their pregnancy until the end of a six months period from the date of birth. The working mothers are entitled to a fully paid maternity leave of 90 days, whether in public or private sector and whatever the type of contract. Terminating woman's services during her maternity leave is prohibited. There is no sex-based-discrimination as regard to retirement age, end of service benefits, pension, or any other financial benefits owed to resignation or retirement. The rights of widow or widower are conditioned by official/legal recognition of the marriage. The widower should not have another spouse to benefit from those rights.

Jordan

The constitution guarantees the right to work to all citizens as well all rights related to it on the basis of equality and equity; decent work load with fair wages, defined number of working hours, annually and weekly holidays with payment. In addition to other conditions related to women and minors' work, health regulations and free association.... Every Jordanian has the right to hold public posts and to work in the public sector and municipalities in permanent and temporary posts. Provisions of the Labour law of 2008 regulate the work of both men and women in the household labour, including migrants: Its provisions are applied on female workers without discrimination in terms of work, and without prejudice to the provisions pertaining to the employment of women. Provisions of the Social Security Act of 2014 apply to all workers at the age of sixteen without any discrimination based on nationality, regardless of the contract's duration or formula, wage's nature and value, and whether the work is inside or outside the Kingdom. Working mothers enjoy special rights related to pregnancy, maternity and childcare like medical care and follow-up and maternity and breastfeeding leaves. Working men and women benefit equally from the right to retirement and pension.

Lebanon

The Lebanese constitution guarantees the right to work to all citizens. The state takes the necessary measures to guarantee the right to work on the basis of competency. The labour law defines the worker as every man, woman or minor that works in return for payment by the employer within individual or collective contract, without sex – based-discrimination in regard to type of work, wages, employment, promotion, raise, vocational rehabilitation and clothing. The law guarantees people with special needs, with the same qualifications, the right to work and employment in addition to easier access to equal opportunities.

Social security in Lebanon covers: sickness, maternity, emergency at work, occupational diseases, family benefits system and the end of service indemnity in the formal sector. By law, the insurance includes men and women on equal basis. Women workers are entitled to benefit from medical care and paid maternity leave for seven weeks. Each insured woman is guaranteed the right to maternity compensation during the ten-week period of birth under certain conditions. It is not allowed to direct warnings to pregnant women, starting from the fifth month of pregnancy till the end of maternity leave. The employer, in the private sector, shall commit to guarantee the social rights related to work. End of service is 60 years of age or 25 years of service, upon demand; where the employee has the right to continue working until the age of 64. All workers are entitled to compensation even if

231. Decison No. 179 of 2005.

232. Children's Rights Act

they were considered as outsourced staff; employed on a temporary or daily basis, provided their continuous service for at least one year and under the conditions prescribed by law such as duration, insurance duration (20 years), the percentage of disability (50%), or with regard to the entitled individuals to benefit from the social security mandatory or optional, in the event of the death of the ensured employee.

Morocco

According to the constitution and by law, the state and its institutions take the necessary measures to guarantee citizen's right to work, to support them searching for vacancies and in managing their own private businesses. Among the basic principles governing the enjoyment of the right to work; the non-discrimination between employees, equal opportunities and attitude upon employment, work, vocational training, wages, promotion, social privileges, discipline and dismissal from work, with emphasis on women's rights, whether married or not. Positive measures are taken to achieve equality between employees with disabilities and others in health prevention, occupational safety, and easy physical access.

By constitution and law, social rights related to work such as social security cover most of the occupational categories from all sectors. It includes the insured members with physical disabilities preventing them from work and those who are entitled to receive daily allowances. Working mothers are entitled to medical care and regular check-ups during pregnancy, childbirth and breastfeeding, compensations and leaves. The right to retirement and pension are guaranteed for both men and women in accordance in consistency with relevant laws²³³.

Tunisia

The constitution defines work as a high human value and right to all citizens; men and women. The right to work is guaranteed on the basis of competency, equity and decent environment with fair wages with no discrimination between men and women²³⁴. However women at any age are assimilated to children under 18 as regard to the prohibition from working underground in mines. The state is required constitutionally to ensure social coverage for all. The social rights related to work are based on the principles of social expanding coverage to include all occupational categories and improve their actual coverage.

Based on the specificities of each social security system, the rendered benefits include cash grants in case of illness or situation or death, health coverage, allowance for old age and disability, the heirs after the death of the covered member and capital at death as well as reparations resulting from industrial accidents and occupational diseases. The revision of the Social Security Act allowed the extension of this right to certain categories of workers in the agricultural sectors and household labour. Working women and men equally benefit from social security coverage, including family benefits, healthcare, pension and disability, work accidents and work-related illness. Social security benefits are automatically transferred to the husband or wife, and children, in the event of the demise of any of them.

233. Morocco Labour, social security laws and Civil Pensions system

234. Tunisia labour law and civil servants laws

In conclusion...

Although some countries have adopted the principle of equality at work and consider some provisions to be in favour of women, others encourage women to terminate employment reinforcing gender construction and stereotypes: women are proposed full end of service benefits if they terminate their work contract due to marriage within one year (Kuwait and Lebanon) or are allowed to work half-time while obtaining two-thirds of the salary (Tunisia). Both provisions exclude women from labour market and deprive them from a career.

In addition to that, the allowances in the salary depend from the social status (single vs married) and the gender distribution of roles and tasks which is institutionalised in the legal framework. In most cases, men are the ones who benefit from the family and wife compensations, considered as the breadwinners, reinforcing discrimination against women and jeopardizing the principle of equal pay for equal work. Women, even married and mothers are still treated as single women in labour and taxation laws, even if they are household heads.

Most Arab countries limit women's rights to work by time and place. They consider women and children to be at the same level, and prohibit them from working during certain hours, in what is termed as night work (with the definition of the night shift varying from one country to another), and from what is defined as hard or hazardous work, above or below the ground. Justifications range from women's capacity and nature to the protection of their health or morals. Most laws refer to exceptions by often referring to the public interest, although they do not define or specify what public interest means. This term is used to give credibility to other justifications such as the authority of the legislator to revoke one of the rights for the benefit of a superior one, which means that public interest may supersede private interest and equal rights of women and men.

SECTION I-II.2: LEGAL RIGHTS IN THE PRIVATE SPHERE

1. Concept, international and societal standard/s

Very often the concept of “private life” is “heard” as “privacy” or refers to other related civil rights. Private life is also defined as an individual’s -man or woman--personal relationships, interests, and activities as distinct from his/her public or professional life.

This fairly simple definition is very consistent with the article 12 of the Universal Declaration of Human Rights “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks”²³⁵.

The Article 8 of the European Convention on Human Rights provides that: “Everyone has the right to respect his²³⁶ private and family life, his home and his correspondence; no public authority shall interfere in the exercise of this right, excepting the case when this interference is required by law and represents a measure, which in a democratic society, is necessary for the national security, the public safety, the economic well-being of the country, the defense order and the prevention of crime, the protection of health, moral or the rights and freedom of people”²³⁷.

The European Court of Human Rights devotes 123 pages in a guide²³⁸ to clarify the content of the article 8 and facilitate its interpretation and enforcement. In this context, the guide considers that the term “private life” is a broad term not susceptible to exhaustive definition. It confirms that “other than “privacy”, the notion “private life” is not confined to a secluded space free from interference by others. To a certain extent, it also encompasses the relationships of an individual with his social environment, the protection of personality rights and personal autonomy as well as the possibility to personal development”.

It is obvious that in the human rights framework and standards to only quote the above UDHR or ECHR’s articles, the individual is the heart of the interest. Unlike some values systems particularly in traditional cultures as the ones of the Arab States, where primacy is given to the society, the community, the group and the family at the expense of the individual and his/her personal rights.

Laws of Arab states are tradition-based; they are structured upon society recognised roles of men and women and how they relate to one another– men and women relationships–, and their status as members of households and society. For instance, laws perceive rights and duties, as well as sanctions, on the basis of a set of behavioral and functional criteria that are, according to traditions, acceptable to men and women.

As a matter of fact, the cultures of the Arab countries of the MENA Region –but not only- remain to a large extent collectivist cultures that give priority to the needs and expectations of the collective as a whole rather than to the needs and aspirations of the individual. In such cultures, relationships

235. <https://www.un.org/en/universal-declaration-human-rights/>

236. Noting that the article and the convention as a whole is gender blind because the possessive pronoun should be his/her

237. European Convention on Human Rights <http://echr-online.info/right-to-private-life/>

238. Guide on Article 8 of the European Convention on Human Rights, Right to respect for private and family life, home and correspondence; Updated on 30 April 2019, https://www.echr.coe.int/Documents/Guide_Art_8_ENG.pdf

with other members of the group and their interdependence play a central role in the recognition of each person by the group, the only way to have an identity. He/she is only one element of satisfying the needs of the group and its cohesion.

It is important to note however that the set of behavioral and functional criteria vary according to time, space and place. Laws allow for integration of human rights and equal citizenship – without any form of discrimination including gender-based discrimination - as states and societies evolve but despite that, the same society and state can limit these endorsed Human Rights principles in the private space due to its various dynamics e.g. society, family and in relation with the public life.

It is often this ambiguity created by the supremacy of the collective over the individual in such societies and in such cultures that makes their legal systems full of contradictions when it relates to governing public life vs private life, which makes an equal realisation of legal rights very hard.

1. Legal rights in the private sphere at regional level

1.1. The analytical framework

Almost all Arab constitutions, with very few nuances, contain the principle of equality in rights and duties among citizens in general, and between men and women in particular. They guarantee such rights in all civil, political, economic, social and cultural domains. Men and women are considered equal before the law without any discrimination even though the latter reference is not mentioned in all constitutions. The principle of equality between men and women stipulated in the constitutions of Arab countries requires that all laws, including household and nationality laws, conform with and are based on this principle. At the same time, most countries put restrictions on this principle, and, at the same time, call to abide by it. This is made obvious by the fact that the equality stipulated in the constitution does not violate some of the provisions and fundamental elements, thus leaving the concept open to other interpretations as well as being difficult to implement. This is because the definition of the household and the provisions that govern it, fluctuate between equality and discrimination among laws and even within the same law.

A number of Arab countries sought to legally define the concept of household; however, they failed to examine the structure, components, functions, and objectives of a household. They only refer – in the definition – to specific components such as religion, morals, and country. The household laws of some Arab countries deal with the relationship between men and women within marriage as well as rights, duties and relationship within the household. The laws also define the state's responsibility towards ensuring women's rights and women's support to take on responsibilities within the households. Such laws use terms like "ensure," "guarantee," "protect," "safeguard," "committed", or recommend in most countries with very few variations.

The analysis takes into consideration that the process of drafting constitutional and legal texts, when dealing with equality and non-discrimination, puts restrictions on these same constitutional principles, whether by referring to Sharia or to other pretexts such as security and morality. Some laws clearly refer to more than one household law, especially in countries with multiple confessions and religions such as Lebanon, Iraq, Egypt, Syria, and Palestine. The texts of other countries' laws similarly contain the principle of equality and discrimination.

There are legal and/or constitutional provisions that not only consolidate discrimination in civil and political rights of men and women, but also jeopardize other basic civil rights, such as the right to security and safety, which entails a threat to the right to life. Personal civil rights and public rights are intermingled with the laws that govern rights and duties of women and men through life cycle in relation with individual behaviors, single and/or married people's life within the household.

These laws, namely Personal status and/or family laws, nationality law, penal code that sometimes include violence against women/VAW provisions or specific VAW laws are analysed in this part to link men-women equality to household status, roles, relationships and responsibilities. These laws and their provisions are for many of them, in contradiction with the Constitution that states equality among citizens and sometimes more specifically men-women equality and freedoms. They can also jeopardize other positive laws such as education law or labour code.

1.2. Women and men's Rights and duties within the household

A series of achievements have been realised with regard to the household or family laws in conformity with the commitments of some countries to the principles of justice and equality stipulated in their constitutions and the respect for their international commitments through their ratification of international conventions and agreements. These achievements include several issues that vary among countries, such as the principle of consent in concluding a marriage contract; setting the minimum age for marriage at 18 years; not stipulating the presence of a guardian as prerequisite for concluding the marriage contract since both husband and wife have the right to conduct their marriage by themselves. All countries have agreed on the necessity to officially document the marriage contract as a practice that protects the rights of both parties, especially the wife, as compared to other types of marriage which may be recognised by the community but not by the law (not legally registered marriage - known in Arabic as *zawaj Urfi* - by reciting the *Fatiha*, the first sura (chapter) of the Quran, and making marriage public). In addition, some household laws provide equal rights to both spouses, such as the right to freely lay down their own special preconditions in the marriage contract. Moreover, the rule obliging the wife to obey her husband has been eliminated from some Arab laws in an attempt to strengthen the legal status of women within the marital relationship.

Some of the legislations in the region consider it self-evident that a mother has a responsibility towards supporting her children equally with the father but made this right conditional in the absence of the father (Saudi Arabia, Libya and Sudan) or if the mother has money of her own (Tunisia). The provision on family guardianship includes a range of rights and duties of parents towards their children, as well as managing the marital life. Few laws have included the principle of equality in the "governance" of the family affairs and raising children, but the guardianship remains with the father. It is worth mentioning that only Algeria gives full guardianship to the mother after divorce, if she has the custody of her children.

In dealing with divorce, the treatment of the husband and the wife differs from one law to another, as some laws give equal rights of the spouses to terminate the marital ties (Tunisia and some confessions in Lebanon) while others include equality between the spouses in the case of a request for divorce by mutual consent (Morocco, Algeria and Libya). Some laws establish equality in filing for divorce due to harm or dispute (Iraq, Djibouti and Syria) and some grant the right to compensation for arbitrary divorce in a number of countries (Iraq, Jordan, Syria, Algeria and Morocco).

Numerous pieces of evidence of discrimination are revealed by the analysis of Arab countries' laws governing the rights and relationships within the household, regarding nationality and other special situations. For instance, some countries allow the engagement and marriage of girls as young as 10, such as Sudan, Iraq, Yemen, Mauritania, Kuwait, Bahrain, and a number of sects in Lebanon and Syria. Other countries' laws, such as Jordan, Palestine, Algeria and Tunisia, stipulate that the minimum age at marriage must be 18; however, the laws of these countries grant exceptions to judges to allow the engagement and marriage of younger girls. Marriage is also allowed by delegation. The presence of the guardian is often regarded as mandatory in the marriage contract, which may result in the guardian signing the marriage contract instead of the wife, which defies – or probably even cancels – the principle of consent in the marriage, and is a direct cause of forced marriages.

In most Arab countries, the wife is obliged to obey the husband in all matters relating to marital life, including movement and travel (Egypt, Yemen, Syria, the United Arab Emirates, Kuwait, Sudan, Djibouti, Bahrain, Qatar, Saudi Arabia and Jordan) with the exception of Tunisia and the Druze Sect in Lebanon. Polygamy is legally granted in the laws of most Arab states, whereas some states try to limit it by placing strict conditions (Algeria and Morocco).

In 15 Arab countries including Yemen, Iraq, Syria, the United Arab Emirates, Kuwait, Sudan, Djibouti, Bahrain, Egypt, Qatar, Saudi Arabia, Jordan, Algeria and Morocco, only husbands have the right to unilateral divorce. In most countries, including the United Arab Emirates, Bahrain, Qatar, Syria, Iraq, Egypt, Kuwait, Lebanon, Saudi Arabia, Yemen, Mauritania, Algeria and Morocco, husbands have the right to revocable divorce, which means that they may by law force their wives to return home; however the laws of Morocco grant women the right not to resume the marital relationship. The wife is considered guilty of disobedience (*nashez*) if she does not abide by the rule of obedience and refuses to accept the husband's orders, such is the case in Syria, Yemen, Sudan, Qatar and Saudi Arabia.

The “*khul'e*” (women unilaterally filing for divorce) allows the wives to end the marital relationship and regain freedom on condition by financially compensating the husband, which is often a sum of money supposed to be equivalent to the dowry (Yemen, Iraq, Mauritania, Syria, the United Arab Emirates, Kuwait, Libya, Algeria, Egypt, Morocco, Sudan, Bahrain, and Qatar).

Only fathers—and not mothers-- are considered custodian of their children with the authority to prevent them from traveling with their mothers without the fathers' consent. This is enforced in all Arab countries even where the law provides for equality in governing family affairs including children custody (Tunisia). In all cases, the father remains the head of the family, and in this capacity, he is expected to provide for the wife and children. Wives are not required to contribute to the family expenses unless they are wealthy²³⁹.

It should be noted that there is discrimination against men as fathers only in Algeria, where custody over the family is taken away from men after divorce and given totally to mothers. No Arab law acknowledges the right and responsibility of women to provide for their children despite the fact that they actually do so. There is no explicit provision that obliges mothers to provide for their children, like the father.

239. Article 23, Tunisian Personal Status Code

Discrimination between men and women is manifested in the inequality in the text and in the conditions of enforcement of laws. However, this depends on the individual case of each country since there are countries with one Muslim doctrine and others with more than one doctrine. When another group of countries, whose official religion is Islam, have other religions with multiple non-Muslim confessions/Tawaeef in addition to numerous Muslim doctrines/Madhaheeb, the laws of these countries vary according to the Tawaeef and Madhaheeb they have.

In some Arab countries, women still need their husbands' consent to be able to practice rights that are guaranteed to them as citizens. The intermingling of rights include men's rights over women where the latter must obey the husband's "taa'a", and the husband's right to reversible divorce "talaq raj'ee", which is found in the households laws. In some countries, women must submit their husbands' consent when they apply for a passport. There is also the husbands' right to oversee the wives' property. Husbands may also terminate contracts wives sign to provide breastfeeding without the husbands' consent.

For instance, husbands get away with domestic abuse, and sanctions for committing adultery vary between men and women. Some countries flog adulterers, incarcerate and condemn women accused of honor crimes without giving them the opportunity to appeal sentences or gain access to a lawyer. Others confiscate female servants' passports thus depriving them of the right to movement, in addition to many more examples.

The majority of Arab countries incorporate provisions related to the right to inheritance according to the Islamic Sharia in their Family Laws. The way it is addressed depends on its interpretation and application of the doctrines of each country. The right to property and disposal thereof is probably considered one of the fundamental issues between men and women that are still being debated.

1.3. The Right of Women to pass their Nationality onto their Children and spouse

It is worth noting that a limited number of Arab Countries (Tunisia, Morocco, Algeria, Iraq, Mauritania, Djibouti and Egypt) grant mothers the right to pass on their nationality to their children, on equal footing with the father. Egypt went further by endorsing the right of Egyptian women to pass their nationality to their children and making it a constitutional principle. United Arab Emirates joined the group end of May 2019. The Federal Authority for Identity and Citizenship announced that 3,354 children born to Emirati mothers and foreign fathers would receive UAE citizenship, following a directive from the President, Sheikh Khalifa. These changes to the law allowed mothers to apply for citizenship on behalf of their children after their sons and daughters have lived in the UAE for at least six years²⁴⁰.

In the majority of Arab countries, the mother remains deprived of the right to grant her nationality to her children (Kuwait, Bahrain, Qatar, Syria, Jordan and Saudi Arabia). A few countries equally grant that right, except if the nationality was acquired through naturalization, such as Mauritania. Some inequalities exist regarding transfer of nationality by marriage. Some other laws render the transfer of nationality by the mother subject to the issuance of a ministerial decree of acceptance (Egypt). Moreover, a woman may lose her original nationality if she marries a foreigner and acquires his nationality (Qatar).

240. <https://www.thenational.ae/uae/this-will-change-our-lives-emirati-mothers-rejoice-as-children-granted-citizenship-1.867176>

There are some inequalities in the transfer of nationality by marriage and discrimination in transferring the nationality to the children, when the mother is married to a foreigner in some countries (Libya). Only Algeria allows for woman to pass on her nationality to her foreign spouse

1.4. The Right to Protection from Gender-Based Violence

Most of the constitutions in the Arab countries prohibit discrimination among citizens, men and women, and gender-based discrimination, whatever the reason may be. Therefore and in reference to the General Recommendation No. 19 of CEDAW, which defines any form of discrimination as violence against women, it would be possible to consider that most Arab countries prohibit violence against women. States constitutionally and legally recognize their responsibility in securing the dignity, protection, the right to life, freedom and safety of all citizens. Furthermore, some constitutions clearly point to violence against both children and women. They stipulate the necessity to provide protection and care to women, preventing their economic exploitation and all forms of violence within the family, school or the society, as well as all forms of torture, whether physical, psychological, moral or material, including any inhuman treatment that may undermine women's dignity or the inviolability of the human body. They also assert the state's responsibility in taking all necessary measures needed to eradicate violence against women

With regard to the marriage of girls, a number of countries have recognised that the eligibility for marriage is fulfilled with the consent and the coming of age at eighteen years, in accordance with the rules of the country itself and the international regulations. Furthermore, in most Arab countries, the penal code criminalizes physical violence, without mentioning men or women in all cases, by imposing prison sentences and detention that range from specific periods up to life imprisonment, if violence results in death. Besides, some laws stipulate additional punishments that are contingent upon the situation, if the violence inflicted - such as beating and injuries - lead to complete disability, permanent handicap, disfigurement, or mutilation that deprive the victim from a bodily function of any kind. In some countries, laws relating to anti-violence criminalize threats and verbal abuse, slander, insult and contempt; with harsher penalties should these occur within the family.

Arab countries like Djibouti, Kurdistan, Iraq, Egypt and Sudan criminalize - in varying degrees - acts of violence that may lead to the maiming of the genitalia – as in female circumcision – and regard this harmful practice as an example of domestic violence. Anyone who inflicts upon another any type of harm, injury or illicit practice, even if it is only an “incitement” to perform it, is punishable by law, with a harsher sentence if the victim is a minor, and especially if the person performing the operation is a medical doctor, pharmacist, chemist or a midwife or any of their assistants, whether in hospitals, public or private clinics, governmental or non-governmental, or any other such facility. In cases of circumcision, non-governmental organizations can file a legal civil proceeding in a limited number of countries.

In most Arab countries or within certain regions in this area, from the Atlantic Ocean to the Arab Gulf, the phenomenon of female genital mutilation/cutting (FGM/C) exists, though with differences in occurrence, severity or acuteness. The phenomenon is not always officially acknowledged, and would not be officially known were it not for the studies undertaken and the educational roles played by the NGOs and certain international organizations. The official denial of this phenomenon therefore makes the available information on this matter insufficient which consequently leads to the inability to legally address the issue.

Some countries admit this harmful practice and have developed policies and strategies to combat it, but are not fighting it through law, regardless of the level of its occurrence. It is worth noting that the laws to address female genital mutilation/cutting need to be strictly enforced. According to the most recent data, the phenomenon of FGM/C among women aged 15 to 49 reached 96% in Djibouti, followed by Egypt at 91%, and Sudan at 88%. Iraq registered 8%. The high rates of FGM/C in the Arab world are due to lack of laws as well as weak political and legislative will in the face of harmful traditional practices against women. Furthermore, the four Arab countries Algeria, Morocco, Tunisia and Egypt have enacted laws against sexual harassment, which include a definition of both the term and the target group (male/female workers). The provisions of punishment differ from one country to another. Any involvement in repeatedly harassing another person by remarks or gestures that may undermine another person's dignity, humiliate, shame or force them to respond to theirs or to a third party's sexual desires, or putting pressure to weaken their will to resist these desires, is considered sexual harassment. Moreover, any abuse of authority or exploitation of one's professional rank by giving orders or threatening or pressuring someone to comply with certain sexual desires is also considered sexual harassment.

Sixteen out of the twenty countries did not address the issue of sexual harassment in the workplace. Therefore, they have never enacted legislations to deal with the issue. They were mainly concerned with issues of sexual assault and indecent acts. On the other hand, all but one of the countries that actually enacted laws addressing sexual harassment need to define the issue or clarify their vision towards it (does it concern men or women?) and amend these laws in a way that would secure the protection of the victim during and after the filing of a complaint, and that would respect her rights and ensuring the protection of men/women who are willing to give testimony under oath. There is no law criminalizing sexual harassment in at least 16 countries of the region. Meanwhile, Algeria, Tunisia, Morocco and Egypt address the issue of sexual harassment in the workplace, by incorporating the issue in the labour law or in the penal code --as well as the newly adopted GBV/VAW laws-- but they still need additional efforts to enforce and activate the provisions that are supposed to protect women from sexual harassment. The law does not always make it easy for women, as it requires them to prove that harassment has taken place, and present evidence thereof. Moreover, there is no protection for the witnesses in this case, and the perpetrator can even be compensated when the sentence is in his favor – such as the case in Tunisia.

As regards sexual violence, most Arab legislations use terms such as 'sexual intercourse without consent', 'sexual intercourse by force', or 'indecent assault'. Only four countries (Algeria, Djibouti, Sudan and Mauritania) out of twenty use the term 'rape' in their laws. All Arab countries criminalize sexual violence against women and girls as well as boys, particularly with the use of force and threats. Harsher punishment is applied in cases of sexual violence against children, the disabled or the helpless of both sexes; and is applied in cases of incest, especially if the perpetrator holds direct disciplinary powers over the victim, such as teachers and the clergy. Perpetrators of rape and abductions cannot escape justice. Arab countries consider sexual violence against females a crime. However, a rapist or kidnapper may get away from justice by marrying the victim in a number of Arab countries. Forced sexual intercourse is treated in different ways in the different Arab countries; some countries do not consider or punish marital rape.

There are Arab countries that consider rape as a crime. Moreover, it is punished by death sentence in the cases the victim is under sixteen or fourteen years or in the incest's cases. Women may also be subject to the same punishment as men, for "having accepted" or "consented to incest." The penalty however varies from one country to another and ranges between capital punishment

and imprisonment. Sometimes there is no defined ceiling to the punishment, which may leave it to the discretion of the judge who may even waive it. In this respect, it is difficult to interpret the discretionary power and ability of the judge as being tolerant. There are other factors that should be considered, such as the cultural and social background which can justify the act of rape, either by assumptions or accusations against women such as being a victim of rape because they went out, or because of the way they are dressed, and the way they behave.

Human trafficking is criminalized in a number of Arab countries. These countries target those who incite fornication, prostitution, sexual exploitation, violence and coercion of women, girls and boys to commit sexual acts. Laws also punish those who make a living out of prostitution of others and stipulate a harsher punishment if the victims were minors or if those forcing prostitution were spouses or family members or those having disciplinary authority over them. However, these laws are not deterrent enough on the one hand, and do not fully cover the various forms of sexual exploitation on the other; as they have been limited to fornication, indecent acts, vice and forcing others into prostitution.

Most Arab countries have failed so far to enact effective laws that prohibit human trafficking. The laws and constitutions that attempt to address this issue remain non-deterrent. This situation has contributed to the exacerbation of human trafficking in a number of Arab countries. Imposing fines only, or deportation of illegal immigrants, may enable the perpetrators who were penalized for these crimes to repeat them and resume their activities, since they pay small fines.

Almost all countries have agreed on criminalizing threats, slander, insult and humiliation, but they do not make the punishment more severe if such crimes occur within the household. Most Arab laws tolerate verbal violence and stop pursuing a case if the complainant, man or woman, waives his/her right to filing a lawsuit. Some countries even go as far as dropping the lawsuit altogether, if the plaintiff admits that, through his/her actions, he/she brought shame upon him/herself “through degrading actions”. This argument is often applied to justify that the violence endured by women is their own responsibility and the result of their actions, such as going out in the streets or the workplace, because of the way they dress or for raising their voices.

There is a contradiction in a number of countries between legal articles that consider “honor” as a justification granted by law to men and the constitutional provisions that stipulate equality between citizens before the law, without discrimination, including gender-based discrimination, and prohibit all forms of violence and abuse within the family, schools or community. Some countries consider crimes of “honor” as mitigating grounds for extenuating a sentence, and a state of extreme anger an acceptable excuse for reducing a sentence, if the judge deems the motive for the crime to be related to “honor”.

Legal protection of women from economic violence does not exist except in Palestine. However, there are laws and constitutions that address women’s right to own and control resources but even in these countries women face economic violence. They are deprived of inheritance. They are forced to work or quit work. Their wages and other financial sources are confiscated. Women are also forced to relinquish financial rights, partially or totally to obtain a divorce or a minimum of their inheritance.

Algeria

Algerian women have equal rights within the family. Age of marriage is set at 19. Marriage contract must be documented. The officer in charge of marriage prohibits forced marriages. Moreover, wives are not obliged to perform ta'a (obedience) to husbands. Women have the right to access family planning. Choosing conjugal home is no longer monopolized by men who heads the family. Family law provides for equality in rights and duties of managing the family and raising children. Divorced mothers have full custody of small children. The law allows consensual divorce (uncontested divorce) and khol'e (wife files for divorce). The law requests that arbitrarily divorced women are compensated. Algerian women, like Algerian men, may pass on their nationality to their non-Algerian husband as well as to their children, in accordance with order 01-05 of February 27, 2005.

As regard to protection of women from gender-based-violence, Algeria's constitution prohibits any violations against human lives hence, it ensures bodily safety and prohibits violence. It also prohibits physical and psychological violence and violation of human dignity. The Algerian penal code, amended and published in December 2015, worsens the penalty for violence against women, especially against the current or previous spouse/wife, whatever the form of violation or violence either physical or verbal or repeated psychological, without any mitigating circumstances if the victim is pregnant or disabled or if the crime was committed in the presence of minor children or under the threat of a weapon. If the GBV survivor loses sight or one of her members, or if the consequence is any other sort of permanent damage, the offender shall be punished with imprisonment from 10 to 20 years. Similarly, the husband is punished with imprisonment in case of coercion or intimidation against his wife with the objective to dispose of the property or financial resources. The law punishes harassment in general and sexual harassment of a woman in a public place, whatever the act or word or sign that would violate her modesty. The penalty is increased if the victim is under the age of 16 years old. It is the same for any assault by means of deceit or violence or coercion or threat or affecting the sexual integrity of the victim. The penalty is aggravated if the act is committed incest or if the victim is a minor (under 16), or in case of weakness, illness, handicap or physical or mental disability or apparent/ known pregnancy. The amendment of the law is more severe than the previous as regard to the punishment for sexual harassment in the workplace. If it results in an absence of more than 15 days, the perpetrator may face 2-5 years in prison.

Yet, the Algerian Family Code and its amendments have contradictory provisions. Age of marriage is at 19 but judges can approve marriage under this age. The marriage contract is based on consent, which makes it equal but the marriage itself requires the consent of the custodian of women. Even under condition of the approval of the spouse, polygamy is still legal and woman can just approve or ask for divorce. Still only men have the right to divorce. Uncontested divorce means that women waive their legitimate rights. The law allows women to file for divorce on the basis of a number of reasons defined by law, which women need to prove. Women can file for khol'e in return for an amount of money. The law does not recognize the mother's expenses for her children, except in case of her husband's incapacity. The father is the guardian of minor children; the mother can legally replace him only in case of demise. The law allows rapists and abductors to marry their victims and go scot-free, which undermines the opportunity of women to obtain their legitimate right to litigation and access to justice.

Egypt

The principle of equality between men and women in marriage is recognised starting with marriage age at 18 for both. Equality is stated in dealing with matters like custody of children, real estate and movable property. Legally (2014) and constitutionally (2014), parents enjoy equal right to pass on their nationality to children who are born to an Egyptian father or an Egyptian mother.

The Penal Code of 2003 ensures protection of women from gender-based-violence and requires from the state to take necessary steps for its eradication; any person who deliberately causes a pregnant woman to lose her pregnancy or harm her physically is subject to strict punishment.

Order No. 261 of 1996 on Female Genital Mutilation in Egypt provides that: It is forbidden to perform circumcision on females either in hospitals, public or private clinics. The procedure can only be performed in cases of disease and when approved by the head of the obstetrics and gynecology department at the hospital, and upon the suggestion of the treating physician. There are also strict sanctions against those who are involved in non-violent sexual intercourse with females without their consent. Sanctions become harder in the event that the perpetrator of sexual intercourse is a relative, supervisor, servant or a family member. The amended law does not allow perpetrators of sexual violence to go scot-free by marrying the victims.

After the revolution of January 25, the Supreme Council of the Armed Forces tightened sanctions for the cases of rape, kidnapping, sexual harassment and indecent assault due to the high number of reported cases, by issuing the Decree- law No. 11 of 2011.

The 2014 Constitution clearly states that “the State shall protect women against all forms of violence” (Article 11), specifies that “Torture in all forms and types is a crime that is not subject to prescription”(Article 52). It includes the following provisions “The human body is inviolable and any assault, deformation or mutilation committed against it shall be a crime punishable by Law. Organs trade shall be prohibited, and it is not permissible to perform any medical or scientific experiment thereon without a certified free consent according to established principles in medical sciences and as regulated by Law” (Article 60). Last but not least, the 2014 Constitution stipulates that “the State shall provide children with care and protection from all forms of violence, abuse, and mistreatment (as well as) commercial and sexual exploitation”(Article 80)²⁴¹.

The Egyptian family law is in contradiction with the 2014 amended constitution that stipulates equality among citizens in rights, duties and liberties before and in the law, using a gender –sensitive language to only refer to citizenship, equality, justice and equal opportunities for all (Article 4), elimination of all forms of discrimination (Article 53) contrary to Egyptian Family laws that do not criminalise discrimination within the family, as stated in their provisions. The freedom of belief, fundamental human right (Article 64) contradicts the full authority given to religions and doctrines to govern family affairs, left to all possible interpretations and practices that discriminate against women.

241. Constitution of the Arab Republic of Egypt 2014, UN Women Constitutional Database
<http://evaw-global-database.unwomen.org/fr/countries/africa/egypt>

Jordan

Marriage is legally defined as a contract between a man and a woman in a lawful relationship with the purpose of establishing a family and procreation. The marriage contract is concluded upon the approval of one of the couple or guardian, and explicit acceptance of the other or guardian, in the marriage council. Marriage age is 18. Equality is guaranteed for the couple to set their conditions in the marriage contract in order to achieve their interests but not forbidden by Sharia. Women have the right to compensation for an arbitrary divorce, and to receive grants, real-estate and movable funds. The law allows polygamy. Women do not have legal right to family planning. The man has the upper hand in divorce with full authority to bring his wife back in retroactive divorce. Women can resort to *khul'e* in case they want to annul marriage, since divorce needs a proof of legal damage. Women should spend the waiting period after divorce at home, despite the development of scientific measures and the long divorce procedures before jurisdiction. There is discrimination related to the guardianship over children between the non-Muslim mothers and men on one hand, and between Christian mothers who do not have the right to guardianship on the other hand. The law does not acknowledge women's responsibility towards their children at home in terms of expenditures or traveling solely with them. As for inheritance issues, women deserve less than men in all statuses; wife, daughter or sister.

As to the right to nationality the only one entitled to enjoy Jordanian citizenship is the one who was born in the Kingdom of Jordan from a Jordanian mother and a stateless father or with no nationality or is not able to prove legally his lineage to his father.

The Family Protection Law of 2008 ensures protection of women from gender-based-violence; the law aims to maintain family ties and mitigate effects of the penal procedures in cases of household violence. Some provisions of the penal code of 1969 and amendments criminalise and impose strict sanctions against some forms of violence and its consequences such as abortion due to beating, hurting, drug abuse or any other deliberate mean that may cause abortion of a pregnant woman without her consent. Sanctions become even stricter in case of death. As for sexual harassment; the Labour Law of 2008 identifies worker's right to quit without notice in case the employer or representative cause sexual assault at work like beating or battery. In case of killing women under the pretext of honor, sanctions are increased by raising their minimum in the cases of making use of mitigating circumstances for the benefit of perpetrators. Taking into account the principle of equality before the law, crime is a crime regardless of the perpetrator or the motive. Consequently, the law recognizes neither exception nor making use of the mitigating circumstances on crimes with premeditation related to protecting honor.

The Penal code criminalizes "moaqa'a" with females under 18 or violent unconsensual sexual intercourse with females above 18 under the pretext of promising marriage. Human Trafficking Prevention Act No. 9 of 2009 combats all forms of women and men trafficking under threat, force or other forms of coercion; abduction, fraud, deception, abuse of power or exploitation of vulnerability for the purposes of labour exploitation, forced labour, slavery or servitude, organs removal, prostitution or any other form of exploitation.

A royal committee for Developing the Judiciary and Enhancing the Rule of Law established in October 2016 by the order of King Abdullah II to review the Penal Code had decided to repeal article 308 in February 2017. The Council of Ministers supported that decision. In August 2017, the majority of

members of the lower house (House of Representatives) of the Jordanian parliament voted to repeal article 308 of the Penal Code, which had allowed rapists to avoid a jail term if they married the victim. The vote was endorsed by the Senate.

The amendments of the law strengthen the penal protection of the most vulnerable segments of the population, including women, children and persons with disabilities by blocking the way before “honour killings” perpetrators from escaping punishment through the mitigating excuse provided for in Article 98 of the Penal Code. Moreover, the amendments harshen the punishment for certain crimes committed against minors and women, including the cancellation of Article 308 that allowed sexual assault perpetrators to escape punishment by marrying their victims.

Major gaps affecting the status and rights within the family are persisting in the household relations such as guardianship in marriage, marital relations, managing household which is subjected to the will of the man. This might prevent women legally from the enjoyment of constitutional rights such as rights to education, training, political and economic participation, and freedom of movement or work. Moreover, Jordanian women are prohibited from passing on their nationality to their children or their non-Jordanian husbands. The Penal Code does not acknowledge husband’s rape of his wife even if she is a minor; on the contrary, it recognizes the husband’s right to enforce his wife to “moaqa’a” violently regardless of her status.

Lebanon

Legal status and rights within the family are governed by a number of Muslim and Christian laws should be looked at; Sunni, Shiite, Druze, Orthodox, Arab Evangelical Episcopal and Catholic denomination (Maronite, Greek Catholic Melkite, Armenian Catholic, Syriac Catholic, Latin and Chaldean). All communities (Christian or Muslim) consider the age of consent to be 18 being the border line between childhood and adulthood for both men and women. Engagement is a promise taken optionally between the two, and can be irreversible under conditions according to the one demanding the annulment (fiancé or fiancée). Marriage is a contract that is concluded by mutual acceptance without coercion, threat or hoax, according to each denomination’s rituals and rules, and in the presence of the guardian and witnesses. The marriage conclusion requires that contracting should be free from venereal diseases and mental abnormalities, so both can fulfill their normal reproduction, as well as sharing marital life. If each community used its own language, it requires that men be equal with women in social and financial situation; in providing dowry and commitment to spend on his wife and minor children. All confessions and doctrines have their own way and requirements as regard to the rights and duties of both husband and wife and more particularly to freedom of movement for the wife, keeping control of her financial resources and property, rules for polygamy (Muslims), adultery, various cases of separation, annulment or divorce, alimony²⁴². The inheritance is distributed among the legal heirs on the basis of death and limitation of succession, based on the rules and procedures of each religious group whether Muslims or Christians, based on the Islamic Sharia provisions or the civil inheritance law. As for the Evangelical Episcopal Church, the judicial separation does not affect the right to inheritance and gifts. There is no discrimination in the donation in all denominations

On 4 August 2011, the Lebanese Parliament passed an anti-trafficking law that amended the Lebanese penal code and criminal procedures to specifically address the crime of trafficking in human beings. The new law provides a clear definition of trafficking, and sets penalties for traffickers. Law. No. 162

242. For all details see <http://www.arabwomenlegal-emap.org/SitePages/Home.aspx>;

of 17 August 2011, annulled article 562 of the Penal Code, which promoted the killing of women by allowing for reduced punishment in so-called “honour crimes”.

The domestic violence law Lebanon’s parliament was passed on 1 April 2014. The law was adopted to protect women and other family members from domestic violence and its various criminal forms such as murder, physical, psychological, sexual and/or economic abuse. Members of family include any of the couple, the father and the mother of any of them, brothers and sisters, legitimate or illegitimate gathering, including adoption and association, or affinity to the second degree or guardianship or state or stepfather or stepmother.

On 16 August 2017, Lebanon’s parliament voted for the full repeal of Article 522 of the Lebanese Penal Code which allows halting the prosecution or suspending the conviction of a person who has committed rape, kidnapping, or statutory rape if he marries the victim. Going forward rapists and other sexual abusers who marry their victims will no longer enjoy impunity for their crimes.

The Constitution eliminates the equality enshrined in Article 9 by giving supremacy of the confessions’ Personal Status Law, which establishes the legal discrimination not only between women and men but also among Lebanese women (age and conditions of marriage, polygamy, divorce, children custody, alimony, inheritance...). Personal Status Law over the rest of other laws including the Constitution stands as an obstacle before any reform initiative or before the issuance of a unified civil law, especially since the control over the laws is mandated to the heads of confessions. Sharia courts remain superior to civil courts, which also limit the right to litigation and access to justice for both women and men in a manner based on discrimination on the basis of sex, age, sect and class. These provisions may also limit the protection of women from gender-based violence. Provisions of the Lebanese nationality law of 1925 are in contradiction with Article 7 of the Lebanese Constitution because the mother is not equal to the father in the right to passing on her nationality to her children. There is a framework law to protect women from domestic violence, but its broad definition covers all family members, and does not guarantee a specific protection of women from gender-based violence. All Christian and Muslim confessions allow the marriage of minors (15-17 years) with the approval of their guardians or the judge. No sanctions are imposed on Physical violence if it was used for “discipline” under the condition of not harming the physical or mental health of the children. There is no reference to sexual harassment in the workplace in neither the Penal Code nor the Labour Law.

Morocco

The constitution identifies family as the basic unit in society. The family is based on marriage, which is an eternal and legitimate bond bringing a man and a woman together to maintain chastity and stability. The family law stipulates all the proceedings and conditions of marriage starting from the legal age at 18, engagement, and proposal and acceptance. The original marriage contract deed goes to the wife and an identical copy to the husband. The law provides a woman’s ability to marry without guardian, however, she can ask her father or one of her relatives to be her guardian. The wife has an independent financial disclosure from that of the man. The couple can agree on investing and the distributing the acquired funds during marital life in a separate document, or by referring to the general rules of evidence, taking into consideration their respective work and their contribution in increasing the family funds. The couple practice their rights and duties during the marital life on the basis of equality, consultation in decision-making and sharing responsibility in managing house and

children's issues as well as family planning. According to the law, any male or female who commits adultery, shall be punished with imprisonment from one to two years. The complaint may be waived before or after the trial, while the criminal is not allowed to benefit from such waiver. Husband and wife can resort to divorce according to his/her conditions or without, and under the supervision of the judiciary after attempting to bring them together consistent with the provisions of the law and without harming the interests of the children. The wife takes the original divorce document and the man takes a copy. Custody awarded to the mother until the children (male and female) reach the legal age of consent, with the right of the child who has completed 15 to choose between parents. The criminal law imposes sanctions on the husband who abandons his wife while knowing she is pregnant. The Inheritance is subjected to the Islamic Sharia provisions. As for the right to pass on the nationality, a Moroccan is the one born to a Moroccan father or a Moroccan mother.

The constitution prohibits under any pretext, inhumane, cruel or degrading treatments. It stipulates that the right to life is sacred and protected by law. Torture in all forms is a crime punishable by law. The penal code and amendments criminalizes discrimination in all forms; physical violence, kidnapping, verbal abuse, threats and murder. Aggravating circumstances are in place according to the victim (minor or vulnerable), the means and consequences of the abuse. Sanctions are restricted up to penalty if the victim died. The penal code criminalizes the abduction and degradation with or without sexual violence. Sanctions are restricted if the victim, male or female, is a minor under 18, incapacitated or disabled including mentally, even without committing violence, threats or fraud. In January 2014, Morocco annulled Article 475, which used to allow the kidnapper or rapist to marry their adult victims. The criminal law provides sanctions against perpetrators of sexual harassment, while the labour law considers it as one of the grave errors against workers without specifying women in particular.

On February 14, 2018, the House of Representatives approved the law 103-13 on the elimination of violence against women. The law came into effect in September 2018 after its publication in the Dahir (official bulletin). The law criminalizes some forms of domestic violence, establishes prevention measures, and provides new protections for survivors.

Women are not allowed, equally with men, to pass on their nationality to their foreign husbands. The Moroccan family code contradicts the 2011 constitution that stipulates equality among citizens in rights, duties and liberties before the law. It allows consensual marriage but at the same time allows judges and /or guardians to approve marriages of minors. It allows marriage of minors following judge's order without explanations or justifications. The content analysis of the law 103-13 identifies several shortcomings and deficiencies. Indeed, it requires GBV survivors to file for criminal prosecution to obtain protection, which few can do. Nor does it set out duties of police, prosecutors, and investigative judges in domestic violence cases, or fund women's shelters.

Tunisia

The Tunisian Code of Personal Status was adopted in 1956 before the Constitution. Its amendments up to 2008 reinforce equal legal status and rights within the family such as the marriage age at 18. A woman does not need custodian to approve her marriage. The marriage contract has to be documented and polygamy is prohibited. Equality and cooperation are stated in duties of marital life, mutual help in the management of family affairs for a good upbringing of children including education, travel, and financial affairs. According to the law, women are required to support the family financially as long as they could afford to do so. A divorced woman may have the right to abode

and custody of children. Mothers are entitled equal with fathers to request and obtain a passport for their children and to travel with the minors without prior authorization of one of the parents or of the guardian or anyone to whom was assigned the children custody²⁴³. Father and mother have equal right to pass on their nationality to children. Tunisian women may pass on nationality to the non-Tunisian men they marry as long as the couple lives in Tunisia²⁴⁴.

The 2014 constitution ensures protection of women from gender-based-violence and requires from the state to take necessary steps for its eradication. The amended Code of Criminal Procedure has strict sanctions against domestic physical violence. The sanctions are even stricter against sexual violence. There are also strict sanctions against those who are involved in non-violent sexual intercourse with females under 10. The Code of Criminal Procedure has since 2004 considered sexual harassment against men and women a crime.

Organic law n°2017-58 of August 11, 2017 relative to the elimination of violence against women amends certain discriminatory provisions of the penal code and requires State institutions to develop a coordinated approach to prevention as well as assistance and support for victims of violence. The most important amendment is related to the abrogation the penal code's provision, Article 227 which offered immunity to the perpetrator of a rape crime if he married his victim. Thanks to that, the rapist now faces a 20-year prison sentence and more (lifetime sentence) if the victim, female or male, is under 16 years of age or if the perpetrator is related to or "has an authority over" the victim. Under the new law, the State is not merely responsible for the "prosecution and repression" of those who have carried out violence against women, but also for the prevention of it and for protection of victims. Among others, the Ministries of Education, Health, Social Affairs, Justice and the Interior and their various bodies as well as the media are responsible for training staff and professionals in the prevention of violence against women and become for many, legally accountable. The law stipulates --Article 40-- the creation of National Observatory for the Prevention of Violence Against Women which will be responsible for monitoring the "effectiveness and efficiency" of the law's application. A governmental coordination system has been put in place to prevent as well as assist and support victims of violence and to enforce the law in consistency with the GBV national strategy and related sectoral plans of actions.

Though the 2014 constitution calls for equality before the law, the non-equality within the law through different forms of discrimination from a law to another or even in the same law is translated in gender inequality. This is how the Tunisian Code of Personal Status is in contradiction with the 2014 Constitution which states equality among citizens in rights and duties and liberties before the law. It stipulates consensual and equal marriage with a legal age of 18 but at the same time allows judges to approve marriages of minors on the basis of "serious" reasons or the "interest" of the couples without explaining one or the other. The Tunisian nationality law contradicts the constitution since women are not allowed unlike men, to pass on her nationality to foreign husbands. Article 236 of the Penal Code criminalizes adultery and places men and women on equal footing by punishing adultery by either the husband or wife, however the law also allows for lenient sentences when husbands commit crimes against adulterous wives.

243. Law number 46 dated November 23, 2015 amending the law of 1975 on passports and travel documents

244. The amended nationality law of 2010, updated in 2013

In conclusion...

Starting from the constitutions and in almost all areas of concern, countries refer systematically to the principle of equality in enjoying human rights including economic rights and related opportunities such as in labour laws as a guarantee for equal access to employment opportunities and social protection benefits as well as access to and control of resources including right to property and inheritance.

Indeed, women are not impeded from owning or managing land or other real estate property. By religious law and social custom, women have the right to own property (land and otherwise) and are entitled to financial support from their husbands or male relatives even if they have their own resources and incomes. Concerning the right to inheritance, women have the right to inherit according to sharia distribution rules²⁴⁵. However the rules that are applied are either selected or interpreted to give the primacy to male's financial interest but not necessarily based on the legitimate inheritance right of women taking into account their different positions in the family or the evolvement of gender distribution of roles.

Women's rights are violated in almost all countries of the region. In countries where religious minorities are allowed to implement their own laws in personal status matters, inheritance rights may vary per confession. Usually women face pressure from family and sometimes the threat or blackmail especially by male members to withdraw the advantage of their rights howsoever (real estate, money...) but especially land. The male of the family considers that land should not be parceled out to foreign persons referring clearly to women's husband and children. It has been reported that sometimes girls have to sign a paper in that sense so their family will agree to marry them²⁴⁶.

245. Noting at least 25 ways that can allow women to inherit more than men

246. Faiza Benhadid, Background paper, UN WOMEN for Arab States & The Committee on Elimination of Discrimination Against Women (CEDAW Committee), Regional Consultation for the Proposed General Recommendation on Women Human Rights in Situations of Conflict and Post Conflict contexts, January 2013 <https://www.ohchr.org/Documents/HRBodies/CEDAW/Womenconflictsituations/RegionalConsultationAmmanJan2013.pdf>

SECTION I-III-2: National mechanisms, Policies and international commitments

In 1995, the representatives of 189 governments participating in the Fourth World Conference on Women/FWCW expressed out historic commitments for societies and countries, where women and girls can exercise equally with men and boys their freedoms and choices, and realise all their rights, such as to live free from violence, to go to school, to participate in decisions and to earn equal pay for equal work²⁴⁷.

In line with Beijing (FCWC), States Parties attempted to translate their national and international commitments which also included ratification of Human Rights covenant and treaties into concrete arrangements as recommended in the paragraph 294 of the FCWC's PfA " National mechanisms and institutions for the advancement of women should participate in public policy formulation and encourage the implementation of the Platform for Action through various bodies and institutions, including the private sector, and, where necessary, should act as a catalyst in developing new programmes by the year 2000 in areas that are not covered by existing institutions"²⁴⁸.

Defined as a framework for change, the 1995 Beijing Platform for Action/ PfA made comprehensive commitments under 12 critical areas of concern. Almost a quarter of a century later, the PfA continues to constitute a powerful source of guidance and inspiration for public authorities, civil society organisation and international Development and Human Rights Agencies and Organisations. The Beijing PfA also continues to be an inspiration for the international engagements that followed until the 2030 Agenda.

1.Policies, Strategies and programmes

Governments have the primary responsibility for implementing the Platform for Action (para 293)²⁴⁹. Since then, governments, civil society and the public have tried to transform Beijing promises into concrete changes in their countries.

Box 19

"(...) States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom" (Article 2, 3) " (...) without any distinction as to race, sex, language or religion (...)" (Article 6, 1)²⁵⁰.

Arab States as others throughout the world set up mechanisms comprising women machineries, gender focal point and human rights bodies. They also conducted legal reforms and developed

247. <http://beijing20.unwomen.org/en/about>

248. FCWC. <https://www.un.org/womenwatch/daw/beijing/platform/plat2.htm>

249. FCWC. <https://www.un.org/womenwatch/daw/beijing/platform/plat2.htm>

250. A/RES/41/128, 4 December 1986, 97th plenary meeting 41/128. Declaration on the Right to Development. <http://www.un.org/documents/ga/res/41/a41r128.htm>

national and sectoral policies as well as strategies to reduce gaps and achieve men-women equality and took necessary measures including quota to increase women participation in all area of development and empower women if and when need be.

As detailed in all studies, analysis or reports which intend to assess to which extent advancement of women is supported or hindered, the Gender and Trade profiles elaborated for the countries under review, showed the efforts and realisations for each one of them as representative of the whole region to only quote:

- Women machineries with various names i.e. Commissions (Jordan²⁵¹, Lebanon²⁵²), Council (Egypt²⁵³) or Ministry (Algeria²⁵⁴, Morocco²⁵⁵ and Tunisia²⁵⁶); Some of them (the Cs) with the specific Women Mandate have a mixed semi-governmental status without a chair in the council of ministers; the others (the Ms) have this chair but not only for women. They have other missions such as family, childhood, seniors, national solidarity...but referring also to women status (Algeria) or Equality (Morocco).
- Policies, strategies and plans of action for the advancement of women have been designed since 1995 and updated each 5 or 10 years such as:
 - The National Strategy for the Promotion and Integration of Women (2008-2014) of Algeria and its National Action Plan, (2010- 2014).
 - The Strategy for Gender Equality (2015-2020) or the National Strategy for Women Empowerment 2030, Egypt.
 - National Strategy for Jordanian women (2013-2017) or Gender and Climate Change Plan (2011).
 - The National Action Plan for Women in Lebanon (2017–2019), the National Strategy for Women in Lebanon (2011 – 2021) or the Lebanon National Action Plan for Human Rights (2014 – 2019), the Lebanese National Action Plan 2017-2019 for women and commitment to Beijing Plan of Action.
 - The strategy (4 + 4) to combat discrimination and strengthen women’s empowerment in Morocco, the Strategy for the Institutionalization of Gender Equality in the Public Service and the Strategy and programs for women in the craft sector and the Social and Solidarity Economy.
 - The National Action Plan for the Integration and Institutionalization of Gender (I and II) in Tunisia and The National Strategy for the Economic and Social Empowerment of Rural Women and Girls 2017-2020.

Some countries constitutionalized the political rights equally as the economic rights and participation. One example is article 36 in the 2016 Algerian Constitution that stipulates “equity in terms opportunities between men and women in the job market...the promotion of women to positions of responsibility in public institutions and administrations as well as in enterprises”²⁵⁷. Almost all countries in the region have adopted specific acts and policies to enhance women access to economic opportunities even if their approach differs sometimes within the same country varying from Income Generating Activities to a more comprehensive vision.

251. The Jordanian National Commission for Women, <http://www.women.jo/>

252. The National Commission for Lebanese Women (NCLW), <http://nclw.org.lb/en/>

253. Egypt : National Council for Women, <http://ncw.gov.eg/category/english-en/>

254. Algeria : Le Ministère de la Solidarité Nationale, de la famille et de la condition de la femme (MSNFCE) (National Solidarity, Family and the Status of Women), <http://www.msnfcef.gov.dz/>

255. Morocco: Ministère de la Famille, de la Solidarité, de l’Egalité et du Développement Social (Family, Solidarity, Equality and Social Development), <http://www.social.gov.ma/fr/accueil>

256. Tunisia : Ministère de La Femme, de la Famille, de l’Enfance et des Seniors (First entity created in 1986), <http://www.femmes.gov.tn/fr/acceuil/>

257. <http://www.conseil-constitutionnel.dz/pdf/Constitutioneng.pdf>

The countries under review pay a special attention to women economic rights in employment either in both public and private sectors or their self-empowerment through entrepreneurship. For instance, Tunisia updated its National Strategy for the Economic and Social Empowerment of Rural Women and Girls (2017-2020). Other countries have in their national strategy an important chapter devoted to the economic participation of women accompanied with plans of actions. The Government of Jordan adopted a set of measures, measures and policies to increase the economic participation of women. It approved the flexible system of work in the private sector and in the public sector, and the economic participation of women was at the heart of the stimulus plan for economic growth (2018-2022).

As it is the case for the legislation (see Section I-III-1), almost the six countries have set up national strategies and plans of actions to fight and prevent Gender-Based violence some of them on the basis of the International Law and standards. Morocco (2003) and Algeria (2005) were among the first in the MENA region that initiated a process of strategic planning and programming to fight GBV (national strategies and related multisectoral plans of actions) followed by Lebanon that counts several initiatives started at the end of the war in 2006 up until today with the refugees crisis, and by Tunisia (2007). Jordan adopted its National Framework for Family Protection from Violence (2016) and a National Strategy to Combat Violence against Women (2014-2017) supported by a Media Strategy against Gender-Based Violence (2015). Jordan, Lebanon and Tunisia adopted National Action Plans for the Implementation of Security Council Resolution 1325 Women, Peace and Security. Countries also created services for the GBV survivors or reinforced partnership with the specialised civil society organisations that pioneered this field as well as the hard work on women's rights and gender equality. These services included specialised units on psychological counseling and legal assistance besides women's shelters and an increased frequency of training workshops not to mention the awareness-raising and advocacy campaigns for change.

2. International Commitments to Human Rights and human Rights of Women

Significant progress has been realised in women's situation and status. The achievements that have been contributing to the improvement of the legal, social and economic status of women and the standards of life of their family and society could not be ignored. While this progress is still modest as highlighted by the ranking of the Region nobody can ignore that the Arab States have sought with all their best to change this reality.

This is obvious in the efforts made at the international level to ratify the human rights international covenants and treaties including those concerning women and girls, participate in programmes-making conferences on women's rights and development to only quote ICPD,-PoA, Beijing PfA, the Millennium Declaration and MDGs and the most recent 2030 Agenda and its SDGs.

Almost all Arab countries have ratified most of the Human Rights international conventions that comprise many ILO conventions. Only Sudan²⁵⁸ did not ratify the CEDAW and only three states (Yemen, Djibouti, and Comoros) have no reservations to CEDAW.

258. More details on the Human Rights conventions and treaties, status of ratification and all related information could be found in the Interactive Dashboard <https://indicators.ohchr.org/>, <http://www.unwomen.org/en/digital-library/publications>, <https://www.ilo.org/beirut/areasofwork/international-labour-standards/lang--en/index.htm> ; <https://www.ohchr.org/FR/Pages/Home.aspx>

Since its independence in 1962, Algeria ratified international human rights conventions²⁵⁹ and incorporated them in its constitution (e.g. 1989, 1996). Algerian citizens may refer to such [human rights] conventions before courts of law. However, Algeria has reservations over the conventions it signed, and the state has not set up a legal framework to harmonize national laws and make them consistent with the state's international obligations. However civil rights are not separated from political rights as stated by the ICCPR and the ICESCR. Moreover, even the legal reforms conducted remain insufficient not to say inconsistent with the ICERD (Article 5), the CEDAW (Article 15, 16, and 29) and the CRC (Article 1) to only quote these examples. Noting that Algeria's legal framework does not define the hierarchy of the international human rights conventions in relation to national legislations, including the constitution.

Egypt is committed to the agreements, covenants, and international conventions of human rights that it ratified. These International conventions have the force of law after publication in accordance with the specified circumstances. Egypt ratified the ICCPR, the ICESCR, the ICERD and the CEDAW. The Jordanian Constitution of 1952 and amended in 2011 provides that only the King ratifies treaties and agreements, which involve financial commitments or affect the public and private rights of Jordanians. Jordan ratified the ICCPR and the ICESCR, the ICERD, the CRC and the CEDAW.

The Constitution declares in its first chapter that Lebanon is an active member of the United Nations Organization and is committed to its charters and principles in all areas without exception. Lebanon ratified most of the conventions on human rights, including many ILO conventions. Civil Procedure Law demands through its 1983 decree courts to abide by the provisions of international treaties when they contradict provisions of the national law.

Morocco ratified and endorsed several international conventions that protect human rights, such as: the CRPD, the ICCPR, the ICESCR, the CRC and the CEDAW. The 2011 Constitution provides equality between men and women in civil, political, economic, social, cultural, and environmental rights and freedoms, and provides that the ratified conventions and international treaties constitute the reference framework.

Tunisia ratified the most important international agreements such as the ICCPR, the ICESCR, the CRPD, the CEDAW and the CRC and other conventions. The 2014 constitution of Tunisia gives precedence to ratified agreements in comparison with laws; however, this does not apply to the constitution. Many reservations²⁶⁰ are made by the Arab States including by those under review to the international conventions more particularly to the CEDAW and to the CRC. These reservations are justified by contradictions of some provisions of these conventions with the Sharia.

Actually, whatever the convention, the reservation concerns most of the provisions of international conventions on equality as a whole, the women and men's legal status, roles and consequently rights and duties within the family and the marital relationship, including guardianship, and ending with divorce. It is mainly based on social construction and gender distribution of roles which define access to and control over resources including decision making. This is even more true when it comes to CEDAW's call for equal enjoyment of private and public rights.

259. International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the International Covenant on Civil and Political Rights of 1989, the International Convention on the Elimination of All Forms of Racial Discrimination of 1972, and the Convention on the Elimination of all Forms of Discrimination against Women of 1996...

260. <https://www.un.org/womenwatch/daw/cedaw/reservations.htm>

The Arab States' reservations to the CEDAW include reservation to Article 2, which stipulates that "States Parties... undertake... to embody the principle of the equality of men and women in their national constitutions or other appropriate legislation..." and paragraph (f) of the same Article, which stipulates that state parties are "To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women". Other reservations entered to CEDAW are:

- Article 16 which stipulates that "States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations..." and F/1 paragraphs c, d, g on measures to eliminate discrimination against women in matters related to equal rights, responsibilities and relationships during marriage and after divorce as parents, referring to marriage and family relations with regard to equality between men and women in rights and responsibilities, right to inheritance....
- Article 15, paragraph 2 "States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals," P/4, which provides granting men and women the same rights related to the law on movement of persons, and the freedom to place of residence. The reservation came on the grounds that the wife place of residence is the same place of residence as the husband's.
- Article 9, paragraph 2, on granting women equal right as men with respect to passing on their nationality to their children and foreign husbands.

Reservations to CRC are multiple but the most prevalent is related to its Article I which defines a child as "every human being below 18 unless age of consent attained earlier under the law in force". This reservation is related to the family laws that state age of marriage under 18 years.

Tunisia ended its CEDAW specific reservations in 2014 but kept its general declaration providing that the Tunisian government shall not take regulatory or legislative decisions, with respect to CEDAW, that may be inconsistent with the provisions of Chapter One of the Tunisian constitution. The general declaration can be a reservation to all international human rights instruments not only CEDAW.

Since December 10, 2008, Morocco committed to withdraw reservations on some of the CEDAW articles (2-9-15-16), particularly in the context of the legal reforms being conducted in the middle of the 2000s. Morocco renewed its commitment to the annulment on several occasions, and joined the Additional Protocol of the CEDAW. However, the Secretary-General of the United Nations is yet to receive an official document on this regard, and the reservations are still registered in the CEDAW website.

These contradictions between the Constitution and the national system and within the national legal system (private/public) itself, from one part, and between the national legal system and international commitments from the other part, affect not only equal enjoyment of legal and human rights but also women's access to justice. In the Arab States -- with very few exceptions of judges or countries--, deciding on family lawsuits and making a judgment does not depend on the rule of law but refers in most cases to personal opinion or conviction, national laws, and international conventions, and the different interpretations of the Islamic Shari'a, depending on the doctrine the complainants or accusers follow.

In conclusion...

Policies and strategies, programmes and services are developed thanks to cooperation and partnership commitments and adopted but not necessarily financed.

Laws and practices in the Arab states as over the world still demonstrate the de jure and de facto discrimination that prevents women from enjoying their legal and human rights, reducing their chances of fully participating in society, in economy and development, particularly when and where accountability and rule of law are either weakly applied or not respected at all.

National Policies are not always implemented and national and international legal commitments not always respected.



PART II : GENDER AUDITING ECONOMY AND TRADE

PART II : GENDER AUDITING ECONOMY AND TRADE

INTRODUCTION

This part consists of introducing the methodology and tools that have been designed and/or adapted to conduct an Assessment, Audit and Analysis from Gender and Human Rights perspectives; Trade Agreements and Economic related policies and plans from the six countries covered by the project have been listed to select a sample to which the GAAA methodology and tools have been applied for the purpose of establishing a Gender & Trade diagnosis.

Although the methodology is being tested its results will nonetheless be considered as valid for this pilot phase and propose pertinent recommendations for the future. The selected approaches and tools are intended to set a comprehensive exercise to be able to produce evidences to be used for strategic planning as well as for policy dialogue and advocacy.

The findings of the GAAA were completed by a field research conducted through the following phases:

- Setting up a mapping of main actors and stakeholders involved in gender equality, women's economic empowerment and/or trade programmes that includes (but not limited to); governmental bodies, representatives of the private sector, trade unions and councils, professional organisations, entrepreneurs and other non-governmental organisations. The same exercise was done at regional and international level,
- Conducting a field survey appraising their own knowledge, attitudes and perceptions in relation with Gender & Trade issues through dissemination of questionnaires to a sample selected from the larger population (mapping),
- Consolidating the field survey with Focus Group discussions and qualitative interviews.

Stakeholders' analysis was strategic at various steps of the process (brainstorming meetings, national and regional seminars with main partner & actors) for the purpose of consultation, validation and building ownership.

The part II is organised as follows:

- Chapter II-I: Gender Assessment, Audit and Analysis methodology and tools
- Chapter II-II: Gender Assessment, Audit and Analysis at programmatic level
- Chapter II-III: Gender Assessment, Audit and Analysis at organisational level: The Pilot Rapid Assessment



Chapter II-I

Gender Assessment, Audit and Analysis methodology & tools

CHAPTER II-I: Gender Assessment, Audit and Analysis methodology & tools

SECTION II-I.1. Conceptual and Operational Framework of the GAAA

To set the scene, it is important to simplify some concepts in the context of such complex and unusual entanglements: is it about Gender Mainstreaming in Trade or Mainstreaming Trade in Gender? During the process, many considered both topic and approach to assess it as a puzzle, if only for its relative newness, at least in the Region.

1. The conceptual framework

1.1. *Gender differences and discriminations: gaps and disparities*

Difference is a point or way in which people are dissimilar. Gender difference means that men and women are different--not similar--.

Due to biological differences, male and female are treated differently because of a socio-cultural value attributed to men and women because they are born male or female. Based on that, a hierarchy is pre-established defining their power relationships as well as their access to and control over resources.

The consequences are “Gender Gaps”²⁶¹ that are assessed both quantitatively and qualitatively: the wider the gaps the more intense and varied will be the forms of discrimination. Indeed, the cause of gender gaps is gender-based discrimination which will result in gender dis-parity²⁶² i.e. unfairness; inequality; lack of parity and equality.

The CEDAW defines the term “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”(Part I, Article 1)²⁶³.

Gender concept and analytical framework allows differentiating between intentional and illegal discrimination against groups or individuals that can be recognized and therefore punishable by law. Structural discrimination reference to a social construction of gender identities and

261. A gap is a distance, a space or interval between two things, two people. As a break in continuity, gap is also defined as a value --quantity, intensity-- It means also social, hierarchical, cultural, etc. distance between two people, two groups. <https://www.larousse.fr/dictionnaires/francais/%C3%A9cart/27334>

262. Etymology: Latin *disparilitas*, difference, dissimilarity, inequality, coming from *dispar*, unequal, disproportionate, dissimilar, different.

263. <https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

gender roles set up in a societal hierarchy and which had historically drawn to disadvantage women compared with men in the enjoyment of their legal and human rights:

Indeed, Gender concept is a critical tool to describe as discriminatory, arbitrary and illegitimate some differentiation processes, some inequalities hitherto considered natural. This discrimination is in fact institutionalised in law, public policy, procedures and regulations, programmes and services as well as in societal and organisational standardized practices and individual behaviors. Gender concept is a useful tool that helps highlighting where the right to non-discrimination is not achieved and consequently what are the resulting gaps. Assessing, auditing and analysing a situation or a status from a gender perspective are the pertinent tools to release the entanglements of the societal construction of gender and the gender construction of the society.

Measuring Gender gaps is the best way to identify gender disparity and its potential Sex- and Gender-Based-Discrimination causes and the consequent inequality. It is also a good way to refine the analysis.

1.2. Economy & Trade

1.2.1. Economy

The simplest way to define economy is as a “system of trade and industry by which wealth of a country is made and used”²⁶⁴.

Economic activity is the activity of making, providing, purchasing, or selling goods or services. Any action that involves producing, distributing, or consuming products or services is an economic activity. Additionally, any activity involving money or the exchange of products or services is an economic activity. For instance, running a small business is a great example of economic activity²⁶⁵. Economic activities exist at all levels within a society.

1.2.2. What is Trade?

Trade is the activity or process of buying, selling or exchanging goods and services, the amount of things or services that are bought and sold, the money made by buying and selling things or services and the act of exchanging one thing for another.

“Trade is a basic economic concept involving the buying and selling of goods and services, with compensation paid by a buyer to a seller, or the exchange of goods or services between parties. The most common medium of exchange for these transactions is money, but trade may also be executed with the exchange of goods or services between both parties, referred to as a barter, or payment with virtual currency, the most popular of which is bitcoin (...). Trade refers to transactions ranging in complexity from the exchange of baseball cards between collectors to multinational policies setting protocols for imports and exports between countries”²⁶⁶.

264. <https://dictionary.cambridge.org/dictionary/english/economy>

265. <https://marketbusinessnews.com/financial-glossary/economic-activity/>

266. <http://www.investopedia.com/terms/t/trade.asp>

1.3. The Trade organisational Framework

The three main Trade mandated organisations at international level are:

1.3.1. The United Nations Conference on Trade and Development/UNCTAD

UNCTAD is a permanent intergovernmental body established by the United Nations General Assembly in 1964. Their headquarters are located in Geneva, Switzerland, with offices in New York and Addis Ababa. UNCTAD is part of the UN Secretariat and report to the UN General Assembly and the Economic and Social Council with its own membership, leadership, and budget. UNCTAD is also part of the United Nations Development Group/UNDG. The body supports developing countries to access the benefits of a globalized economy more fairly and effectively helping them to deal with the potential drawbacks of greater economic integration.

The UNCTAD provides analysis and technical assistance and facilitate consensus-building towards using trade, investment, finance, and technology as vehicles for inclusive and sustainable development²⁶⁷ “Globalization, including a phenomenal expansion of trade, has helped lift millions out of poverty. But not nearly enough people have benefited and tremendous challenges remain”.

1.3.2. The World Fair Trade Organisation (WFTO)

Created in 1989, the WFTO is “a global network of organisations representing the Fair Trade supply chain. Membership in WFTO provides Fair Trade organisations with credibility and identity by way of an international guarantee system, a place of learning where members connect with like-minded people from around the world, tools and training to increase market access and a common voice that speaks out for Fair Trade and trade justice - and is heard”²⁶⁸.

“Fair Trade is a trading partnership, based on dialogue, transparency and respect that seek greater equity in international trade. It contributes to sustainable development by offering better trading conditions to, and securing the rights of, marginalized producers and workers – especially in the South”.

Fair Trade is more than just trading:

- It proves that greater justice in world trade is possible.
- It highlights the need for change in the rules and practice of conventional trade and shows how a successful business can also put people first.
- It is a tangible contribution to the fight against poverty, climate change and economic crisis²⁶⁹.

The WFTO and its members aim to improve the livelihoods of disadvantaged people in developing countries by linking and strengthening organisations that offer just alternatives to unfair trade structures and practices. For that purpose they also share the Code of Practices/CoPs : 1) Commitment

267. <https://unctad.org/en/Pages/aboutus.aspx>

268. The WFTO operates in over 70 countries across 5 regions (Africa, Asia, Europe, Latin America, and North America and the Pacific Rim) with elected global and regional boards. WFTO is registered with the Amsterdam Chamber of Commerce under 40536675. See more at <https://wfto.com/about-us/about-wfto>

to Fair Trade, 2) Transparency, 3) Ethical Issues, 4) Working Conditions, 5) Equal Employment Opportunities, 6) Concern for People, 7) Concern for the Environment, 8) Respect for Producers' Cultural Identity and 9) Education and Advocacy.

The WFTO prescribes 10 Principles²⁷¹ that Fair Trade Organisations must follow in their day-to-day work and carries out monitoring to ensure these principles are upheld.

1.3.3. The World Trade Organisation (WTO)

Established in 1995, the WTO is “the only global international organisation dealing with the rules of trade between nations. At its heart are the WTO agreements, negotiated and signed by the bulk of the world’s trading nations and ratified in their parliaments. The goal is to ensure that trade flows as smoothly, predictably and freely as possible”²⁷².

The WTO agreements will be listed for each country and a sample selected to be reviewed as an imported part of the corpus of the GAAA exercise.

Both WFTO’s CoPs and Principles are consistent with Gender and Human Rights. The principles were organised as a GAAA tool to check if the six covered countries, either members of a global network or not, are applying them in their policies and practices. They could be also used for the sensitisation and advocacy work

2. Gender and Trade

Several evidences underscore factors that contribute to women’s economic insecurity such as lack of education, capacity and skills, unemployment, women’s prevalence in low-paid occupations, gender wage gap, lack of work-family support, as well as lack in accessing to and control over resources and more specifically public benefits, to only quote these examples.

Consequent to Gender Construction of Society and consequent distribution of labour and roles, these factors place women at high risk of fragility and poverty. The question is to know to which extent addressing Trade could contribute to empower women economically and reduce their poverty while at the same time gearing gender gaps towards equality and how?

As stated by SIDA “Trade contributes to economic development, which is one of the cornerstones for poverty alleviation. But when a country lacks prerequisites such as political stability, rule of law, infrastructure and productive capacity it is difficult to take advantages of the opportunity that free trade brings”²⁷³.

There is no evidence that economic and investment policies as well as Trade Agreements discriminate against women but how to explain their low participation not to say their absence in these sectors, more particularly in this region which has the lowest rates in the world?

269. <https://wfto.com/fair-trade/definition-fair-trade>

270. See more at <https://wfto.com/our-path-fair-trade/wfto-code-practice>

271. Last revised and approved by WFTO members in November 2017. <https://wfto.com/fair-trade/10-principles-fair-trade>

272. See more at https://www.wto.org/english/thewto_e/thewto_e.htm

273. SIDA, Trade: An important link in Development, PORTFOLIO OVERVIEW 2015.

As a matter of fact, from one side, women are excluded from public policies as a whole and consequently from those adapted to trade opportunities, higher technology and higher wages. From the other side, they tend to be more affected by the negative side effects of trade liberalisation and are facing bigger challenges than men when it comes to taking advantage of the opportunities trade offers.

The United Nations Conference on Trade and Development/UNCTAD considers that this situation is due to gender biases in education and training, gender inequalities in the distribution of income and command over resources, as well as unequal access to productive inputs such as credit, land, and technology, which translate into significant gender differences in occupational distribution²⁷⁴.

Although there is no overt discrimination in the policies and agreements, discrimination lies through insidious practices and the way their provisions are implemented on the ground. Besides these provisions are not gender sensitive particularly when it relates to work life balance, mother workers' rights (maternity and others), child care...

As highlighted by the UNCTAD Secretary-General "Trade growth does not naturally lead to gender equality. This is because the policies driving the growth often overlook the roles that women play in the domestic economy and the challenges they face..."²⁷⁵. Indeed, women are involved only in local trade not even at the national level as a contributor to the community and family economy.

While men and women are affected differently by trade policies, gender inequalities, in turn have an impact on trade policy outcomes and economic growth²⁷⁶. Conversely, if slow-to-change institutional patterns contribute to undermine women's employment, women's unemployment itself also undermines the whole economy at the macroeconomic level.

An International Trade Centre/ITC's study indicates that a further reduction of trade barriers could potentially increase intra-regional trade by 10% and create at least 2 million jobs²⁷⁷. A number of trade agreements (e.g. Euromed) include conditions that refer to the improvement of women's conditions and to the creation of jobs for women that should help increase women's participation in the economy, with however no concrete effect in the MENA Region.

UNCTAD is well concerned by the necessity to have more gender sensitive policies "If policymakers are going to use trade policy as an effective instrument for gender equality and inclusive development, they need to understand the particularities of the country and region and of the economic sectors where women are particularly active"²⁷⁸.

Weak economic participation and inclusion of women and lack of interest in gender issues in trade still receive little attention in the political and technical spheres despite the identified disparities: Paying more attention could improve this participation and this situation. Indeed, the current legal environment is weak and needs to be reformed and reinforced to ensure compliance with the labour laws and trade agreements, increase women's participation in the trade and labour market, ensure

274. UNCTAD (2009). Mainstreaming gender in trade policy. Note by the UNCTAD secretariat.

275. Dr. Mukhisa Kituyi, UNCTAD SG <https://unctad.org/en/pages/newsdetails.aspx?OriginalVersionID=1977>

276. A type of digital currency in which encryption techniques are used to regulate the generation of units of currency and verify the transfer of funds, operating independently of a central bank. bitcoins can be used for online transactions between individuals

277. The UNDP's Arab Human Development Report 2016: Youth and the Prospects for Human Development in a Changing Reality

278. Simonetta Zarrilli, in charge, UNCTAD's Trade, Gender & Development programme UNCTAD's Trade. <https://unctad.org/en/pages/newsdetails.aspx?OriginalVersionID=1977>

equal opportunities and equal rights including in both public and private spheres and protect them from Gender-based violence.

Furthermore, only women are asked to address issues of discrimination, women economic empowerment, participation and inclusion including in Trade markets at a time when men should also be concerned and women invited to the table: women and gender issues are not women issues.

3. Why the Gender Assessment, Audit & Analysis/GAAA?

3.1. The problematic/issue

Gender construction influences both causes and consequences of poverty. Economic participation of women in the MENA Region faces up diverse and multiple obstacles and barriers. As many other regions in the world, the majority of women with an economic activity in the Arab States are involved in petty trading as an extension of their income generating activities to support their reproductive role and improve the economic resources of their family.

As already highlighted, the effect of trade policy on economic and social activities tend to be different on men and women as they have different economic and social roles and different access to and control over resources. Women tend to be more affected by the negative side effects of trade liberalization and are facing bigger challenges than men when it comes to taking advantage of the opportunities trade offers. They also have a different impact and influence on trade patterns and policies. This is because, worldwide, women and men have different access to ownership and control of productive resources (land, credit, their own labour...), decision-making and participation.

It is fair to claim that historically gender hasn't been studied alongside trade, because it was thought of as being "gender neutral". Given that Gender is a complex component, gender issues have not been brought to light in the area of Trade; its impacts have often been left out of analysis when it relates to effects of structural adjustment and Trade Liberalisation on women. Accurate information related to the status and place of women in economy and business at international, regional and national levels is limited, even if a number of constraints and challenges facing women enjoyment of their economic rights are well identified to only quote: women's limited access to credit, trade-related information as well as weak capacity in terms of knowledge and skills with absence of participation to decision making and limited liberties in both private and public life, as raised by both indicators and legal analysis. Gender based-discrimination and differences are obvious thanks to sex-disaggregated statistics when they are available in the areas of specialised education, employment, salaries, labour-time use, access to productive inputs and social entitlements, as well as the allocation of paid and unpaid work between women and men²⁷⁹.

279. Gender, Trade and the WTO: Speaking Notes for the WTO Public Symposium Challenges ahead on the road to Cancún Geneva, June 16, 2003, Heather Gibb, The North-South Institute, Canada

3.2. The purpose

Whatever the numbers and/or type of economic interventions in the MENA region and countries covered by this report, it will be important to know what the economic activities are, including Trade related activities; In which women are taking part, and how. The available data and indicators could assess input and benefits at both public and private levels and examine if the economic rights and liberties are part of the life of men and women; hence, understand the gaps in these rights and liberties.

A Gender Assessment, Audit & Analysis/GAAA of the situation of women in national economy & Trade is conducted in the context of the CAWTAR-Sida project to assess to which extent women are facing obstacles in the economic and trade context. The GAAA exercise for which an adapted methodology was prepared, taking into account Gender and Human Rights principles and standards, intends to establish a baseline in the 6 covered countries and accordingly develop mainstreaming guidelines as well as select a set of pertinent indicators.

The GAAA intends to produce data and information to present evidences that show a correlation between Gender and Trade to be used in advocacy, policy dialogue and planning for change towards Gender Equality.

Appropriate means material and tools will be made available for that purpose and also to support women as individuals and in cooperatives, SMEs, family business or corporates, to find their place equally with men in their economies including in Trade markets, their societies and families.

SECTION II-I. 1. PROCESS & METHODS

1. The process

1.1. Institutional and Technical preparation

1.1.1. Selection of the methods and approach

To ensure different perspectives of the situation/s or phenomena assessment and analysis, it was important to select the more appropriate methods that can guarantee both comprehensiveness and harmonisation. Indeed, such exercise required to pay attention to a number of criteria:

- The sensitiveness and, at the same time newness, of the addressed issues but also their non-traditional inter-linkages,
- The number of countries and their differences even if within the same region,
- The variation of stakeholders to be involved and the multiplicity of sectors to be targeted,
- The multiplicity of topics to be tackled...

Based on this preliminary assessment, a consensus was built internally and the workplan was refined during the preparation phase, in regards to the outputs to be achieved, the methodology and tools to be used, the methods but also the approach allowing the operationalisation of the process and the end-result:

- Set up six Gender & Trade Country Profiles/GTCP: of which the findings will be synthesized in a regional report,
- Develop a methodology and tools to conduct an overall Gender Audit to be named “Gender Assessment, Audit and Analysis/GAAA”,
- Organise the GAAA step-by-step implementation consisting of:
 - Realise a Situation analysis (PART I) using the data collection and desk review methods,
 - Conduct a mapping of main actors and concerned stakeholders,
 - Apply the four GAAA tools to a sample of national, bi-lateral and international Trade Agreements and a sample of economic policies, strategies and programmes for each one of the six countries,
 - Conduct a field survey using the gender audit questionnaire of the GAAA’s Pilot Rapid assessment supported by a number of Focus Group discussions and face-to-face interviews.

To do so, it was obvious that the easiest way to access and appraise such information would be the content analysis method to be based on both qualitative and quantitative approaches. These two main approaches are highly informative, especially if used in combination.

Among all justifications for this choice, the fact that the content analysis also allows any research exercise to build its own corpus, is advantageous. In this case, the corpus is the Gender Human Rights and Trade related content (policies, agreements and responses to the questionnaires, interviews and focus group discussions).

Through counting, analysing and summarizing each form of content of the various parts of the corpus selected for the GAAA exercise, this method enables a more objective evaluation of the targeted information and helps “to determine the meaning, purpose, or effect of any type of communication, and evaluating the details, in nuances, and implications as well as the content, recurrent themes, etc²⁸⁰”.

The Content Analysis will be completed by other tools adapted to this exercise at each one of its stages, ensuring an overall picture and understanding of the Gender & Trade concerns.

The endorsement of the qualitative and quantitative content analysis ensures comprehensive findings of both desk review and Gender Assessment, Audit & Analysis including field survey which will in turn allow building evidences for policy dialogue and advocacy for concrete change in life of the targeted groups.

The CAWTAR team prepared and shared with the country teams the methodology and tools supported by three essential documents to be used for both literature review and analysis/SitAn (see Part I) and the GAAA exercise (hereunder detailed).

1.1.2. Set up of the technical teams

A team was established composed of 2 consultants for each one of the six covered countries, based on two selection criteria: a gender balanced team with one specialised on Gender and women issues and the other on economy & Trade. Breaking stereotypes, it was surprising that the gender consultant was not always a woman and the economist, always a man. A regional coordinator was also recruited to support the process from the preparation and implementation till the deliverables.

1.2. Institutional and technical capacity building

A technical meeting and training based on the learning-by-doing principles was organised in March 2018 to be able to use the methodology and tools but also to ensure a common vision and the same understanding and utilisation of the methodology and tools among all team members involved. The harmonisation was intended to guarantee comparability purposes.

The methods used in this GAAA component contributed to the situation analysis at country and regional levels, the gender assessment and audit as well as analysis and synthesis of the final findings constitute the GTC Profile/report and regional reports.

CAWTAR’s team leader and staff members provided the required technical backstopping to ensure consistency with the methodology and Terms of References as well as quality of the delivered products at country and regional level: the Gender & Trade Country Profiles, the regional and national mappings of main G&T actors and stakeholders as well as the regional synthesis.

The concerned regional and national institutions were systematically informed and involved at each step of the process from the call for applications (January –February 2018) to the validation of the results (January 2019) and finalisation of the process which also included regional and national training on “Evidence Based Advocacy and Policy Dialogue on Gender & Trade” using the findings of the whole exercise and covering around 140 stakeholders.

280. <http://www.dictionary.com/browse/content-analysis> Global

2. The methods

2.1. Gender Review and assessment

Except Gender Analysis which is defined and recognized, as being simultaneously a conceptual, analytical and operational framework with a number of tools (roles, resources, needs...), the meaning assigned to “review” will be varying according to its objectives, the period or the context it will be conducted in (e.g. political and organisational context) as well as the users who will use its findings.

Logically, such exercise is conducted either at the first step to collect a maximum of gender related information, including through desk work, or at the last step of the process to “control/oversight” whether the programming and implementation processes did contribute to the realisation of Gender Equality in Human Rights. As a matter of fact, if the concepts are well understood and the methodologies well applied, no matter what term will be used, the expected result is achieved.

In some cases, the concept of gender assessment is used to establish a gender diagnosis of a country’s context, a sector’s situation analysis or as part of a planning process and a feasibility study related to a project’s implementation.

Impact Assessment/Evaluation could be also undertaken when the project is completed. All approaches utilise almost the same methods and tools: desk review, assessment, analytical framework, check list to be completed, if and when need be, by interviews, focus group discussions...

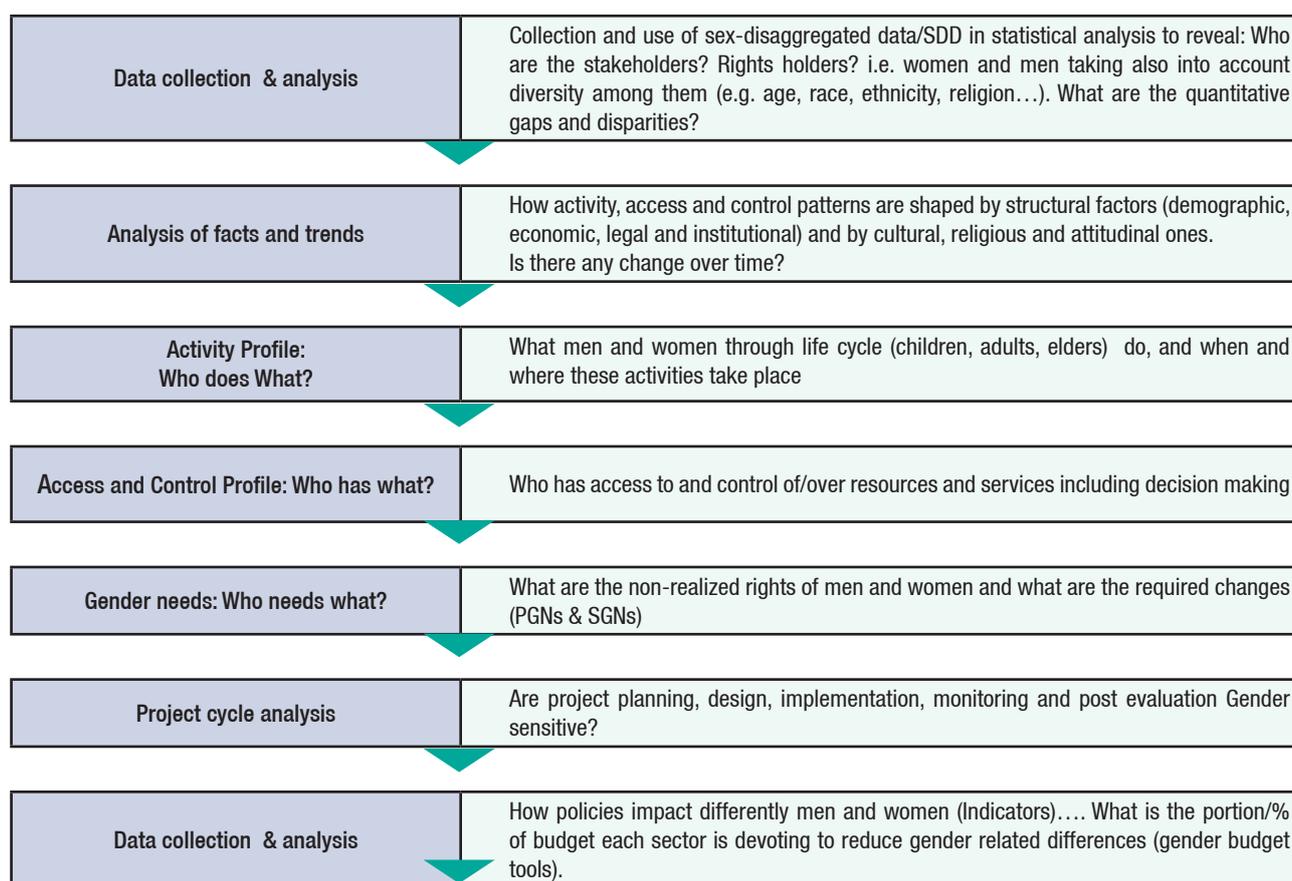
“Gender assessment involves carrying out a review, from a gender perspective, of an organisation’s programs and its ability to monitor and respond to gender issues in both technical programming and institutional policies and practices (...). Findings from a gender assessment may be used, for example, to inform a country strategic plan or a Development Objective and/or develop a Mission Gender Plan of Action or a Mission Order on gender”²⁸¹.

To ensure that planners/programmers are on the safe side with regards to the appropriate approach that will contribute to the achievement of Gender Equality in a given arena/sector, in this case TRADE, a review has to be conducted. The review/assessment is critical before and at each step of the planning/programming process and after the programme/project has been completed with realisation of its expected results.

281. GLOSSARY of ADS TERMS (2014): U.S. Agency for International Development

2.2. Gender Analysis

Taking into account the conceptual framework and preliminary remarks, the various levels of Gender Analysis valid also for others methods either desk review or assessment could be synthesized as follows:



SECTION II-I. 2: Gender Assessment, Audit and Analysis/GAAA: Assumptions and Methodology

Gender Audit is not too different from an audit of financial accounts, management or quality control. The principles and rules are the same: checking/verifying if the design, implementation, process and expected results, are consistent with the rules and methods in this case of Gender Equality mainstreaming and related achievements. In most cases, Gender Audit is mainly required when an organisation/institution has doubts or is concerned by its own gender responsiveness. Gender audit is an integral part of a gender mainstreaming process.

1. Assumptions and purpose

The conceptual and analytical frameworks, the principles and the objectives are almost the same as the methods and related tools. Sometimes gender diagnosis is used instead of gender analysis and gender assessment instead of gender audit —or vice versa— when others limit themselves to the term “review”. Assessment or review are also part or a sort of audit conducted at a given moment of the planning, programming and implementing process while auditing could be conducted also afterwards. None of them could be effective without solid data and information and a strong analysis. It is worth to note however that both “gender” and “audit” words are “politically” sensitive not to say unacceptable for many stakeholders.

The assumption is that Gender-Based Discrimination and Inequality are imbedded and systematically legitimized in institutions, including Economic Institutions in both public and private sectors through laws, procedures and regulations as well as policies, programmes, services and practices.

Equality and Non-discrimination are at the same time principles and objectives of Human Rights and Gender frameworks. For this reason, the gender equality is an absolute requirement for the advancement of human rights as stated in international human rights law and Development frameworks.

The main purpose then is to check if gender roles and responsibilities, women and men’s status are well defined/identified so related information including inequalities can be used first, to determine gender gaps, main obstacles facing gender equality, equity and empowerment of women and second, to design, implement, monitor and evaluate programs.

This is why it is essential to assess, review, audit and analyse these laws, procedures, regulations, policies, programmes, services and practices to ensure that Gender and Human Rights are well mainstreamed and the objectives consistent with the expected result: absence of discrimination against women and gender equality in the present case in Economic and Trade areas.

The GAAA methodology specially designed for this exercise is inspired by and adapted from different sources²⁸². It also benefits from several CAWTAR’s similar experiences in the Region.

282. ACDI, UNFPA, ILO, UNDG, IGWG...

2. The Methodology

2.1. Definition

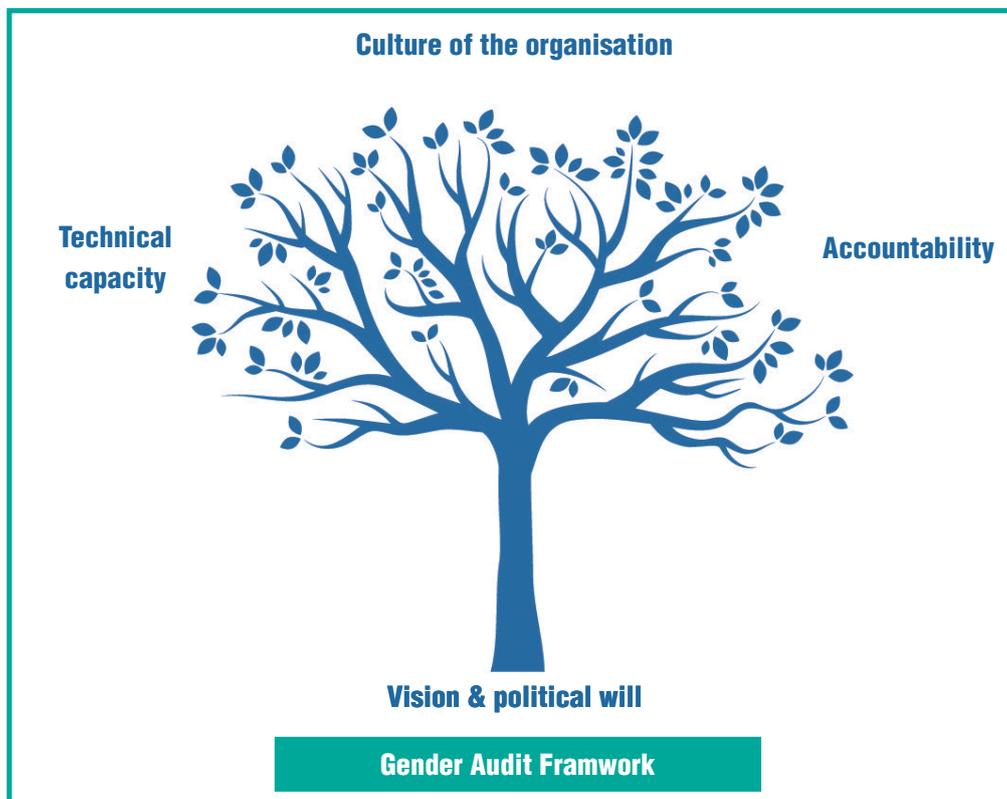
The GAAA is based on the principle of participation and the objective of transformation as defined in the ILO Participatory and Transformative Gender Audit/PTGA²⁸³; The PTGA is a methodology that aims to assess, learn from and improve the working practice on gender equality and women's empowerment. It combines insights from feminist, gender and development theory and practice with new insights on organisational learning and change based on constructivist evaluation and learning organisation theory and practice.

It is a learning process designed on the basis of experiential/adult learning as an organisational self-assessment of policy implementation: it examines whether and to what extent the organisation has created the organisational conditions and standards to promote (or not) gender equality and women's empowerment.

2.2. The framework

The four elements of the PTGA framework are illustrated in the herewith figure noting that the vision and political will are the bedrocks:

Figure 35 : Participatory and Transformative Gender Audit Framework



283. Gender Audit: Tool Method Category. <http://eige.europa.eu/gender-mainstreaming/tools-and-methods/gender-audit> A manual for gender audit facilitators: The ILO Participatory Gender Audit Methodology http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_187411.pdf...;

2.3. Main objective and assumption

The main aim of the exercise is that participants in a given organisation learn about:

- What the organisation is doing concerning Gender Equality and Women's Empowerment in their work?
- How they do it?
- How they relate what they are doing to what others are doing?
- How they can improve what they are doing and place it in the context in which they work?

The assumption is that the acquired information and lessons learned will lead to recommendations for change that can translate the learning into action. The targeted employed population will be considered as empirical experts, able and motivated to assess themselves and their institution, organisation or company, or their partner and clients in order to improve their performance on Gender Equality and Women's Empowerment.

2.4. The GAAA's scope of work and process

A Gender Audit evaluates how gender considerations are being integrated into programs and policies by an organisation, department or office. Wide in scope, audits assess gender approaches and policies, staff capacity, tools and resources, gender mainstreaming in programs and projects, organisational culture and workplace issues. Overall, an audit will monitor relative progress made in mainstreaming and identify successes as well as critical gaps. Additionally, gender audits can integrate components of gender assessments to measure the impact of interventions on beneficiaries²⁸⁴.

2.4.1. The GAAA at programmatic level

When it concerns gender "blind" or "neutral" policies, plans or any other document, the purpose of the GAAA as it is the case is about systematically reviewing, checking and scrutinizing the following:

- The vision, design of policies including agreements, planning/programming, financing/budgeting, implementation, monitoring and evaluation...
- The legislation/laws in-force, rules & regulations, measures and procedures that govern public and private life. This will include International covenants and related instruments/reports to assess the covered countries' international commitments,
- Institutional and organisational practices (public, administrative, private and societal practices...) including distribution of and control of resources (i.e. recruitment, career advancement, national and sectoral budget, micro-credits, bank loans...).

The process could be checked at various phases:

- Design and planning phase: starting from the context/situation analysis which includes findings of quantitative and qualitative assessment (available data, or those produced for the programming purpose thanks to the needs assessment with actors/clients) utilising gender analysis & diagnosis, desk review...and related findings/recommendations regarding gender mainstreaming and required legal reforms.

284. ACDI/VOCA: Gender Analysis, Assessment, and Audit Manual & Toolkit, August 2012

- Implementation phase and/or final evaluation: the review is made to assess the extent of gender integration/responsiveness at various levels both technical and institutional which includes systems, mechanisms, and activities as well as expected vs achieved results and impact on girls and boys, women and men. Internal and institutional context where the project is implemented could be assessed during the implementation phase or before.

It is worth to note however that the process lacks specific follow-up and accountability mechanisms for action planning, despite the audited organisation's commitment. Actually the organisation itself should put in place such system or mechanisms.

2.4.2. The GAAA at organisational level

Usually Gender audit is initiated by an organisation that doubts or want to check if its policies, interventions and management are Gender Responsive enough. The exercise will then consist of auditing and analysing:

- Organisational arrangements for gender mainstreaming and coordination throughout the organisation (e.g. gender focal points, networking and knowledge sharing as well as capacity mobilization as systems for knowledge accumulation, translation and transfer);
- Chain of results/result-based management perspective (e.g. gender-mainstreamed projects around the organisation's strategic areas of action);
- Consistency between the expected results and achievements in general and from GHR perspective in the Gender & Trade domain;
- Financial allocations (indicative of programming) and reporting on expenditures for gender-specific programs;
- Human Resources to support Gender & Trade policies and programmes (number of specialists with expertise in gender equality and mainstreaming, capacity and quality of the existing expertise, and training needs);
- Accountability system and its utilisation for gender mainstreaming, including mechanisms for monitoring and evaluation currently in place.

3. The GAAA phases and corresponding tools

Data collection as well as literature/desk review allowed completing the situation analysis/SitAn (Part. I). The GAAA is supposed to supplement its findings but at the same time the findings of the GAAA are also intended to support understanding of facts and gaps identified thanks to the SitAn (Part II and Part III).

The adopted methodology (design and testing of tools, sampling of a balanced content...) and the process to be conducted in consistency with each context could be organised in different ways. The one proposed in the context of this exercise consists of four tools to be applied in four phases. In addition to the training via the learning-by-doing approach, guidelines and guidance were provided to the country teams to introduce the exercise, finalise the sampling and apply step-by-step for each of the four following tools as planned for each phase.

The final corpus was decided as follows:

- Trade agreements,
- Economic policies, strategies and programmes.

Other documents such as policies and strategies related to gender equality and women empowerment as well as Gender-based violence, legislation governing private and public life but also economy, investment and trade have been reviewed and analysed by each country team.

Even if different in its vision and specific in its objectives, the GAAA which needs to achieve its expected results to assess/collect both quantitative and qualitative information to be audited and analysed, employs a series of approaches as any other research or survey methods and techniques would. In this exercise the following tools are proposed for utilisation:

First phase: The quantitative content analysis

Quantitative data constitutes the first step of a GAAA exercise. A primary data will be produced thanks to a specific poll to start off, supported or oriented by the secondary data collected and analysed in the Situation Analysis.

The Gender desk review directly focuses in its quantitative assessment and qualitative analysis on the selected material i.e. the corpus which consists of the collection of documents or any already existing material or produced for the GAAA purpose. For a more contextualized review and analysis, a series of keywords consistent with the covered areas (gender and human rights specific and principles) has been selected as herewith listed...

Box 20

Non-discrimination; Gender-based Discrimination/against women; Men and Women; Women; Men; Gender; Equality; Equity; Empowerment; Parity; Inequality; Gap; Human Right; Right to Labour; Abuse; Gender-based Violence/Violence Against Women; Sexual harassment

This list supported by a gender and human rights lexicon (see supporting document 1 in the annexes) was proposed for discussion during the technical meeting and agreed upon for all countries.

The Gender and Human Rights/GHR quantitative content analysis tool applied to Economic Empowerment of Women and Gender & Trade —is designed for this exercise and has been tested to finalise the rating table. The GHR quantitative content analysis tool (1) is used to support and refine the desk review and assessment of the documents representing the whole corpus. It will allow checking (quantitative) how many times a selected number of “Economic Empowerment of Women and Gender & Trade concepts” and keywords are used according to the proposed guidelines (See Supporting document 2 in the annexes).

When conducting the quantitative review, it was important not only to check and count but also to assess if the keywords are used either within a GHR context or not (Qualitative review & analysis). Indeed, the auditors were required in addition to the automatic counting (Quantitative Review) to note the context of the utilisation of the keyword as deemed necessary for the qualitative analysis.

For instance, “discrimination, inequities, inequality, equality...” could be used without referring to gender (male/female; women/men) or human rights and could be related to other topics, measures and/or rules or regulation such as “equality between clients/partners...”.

Phase 2: Qualitative content analysis tool: The GHR Check list

Perhaps the most common notion in qualitative research is that a content analysis means simply doing a word-frequency count. The set assumption is that the words that are mentioned most often are the words that reflect the greatest concerns. While this may be true in some cases, gender and human rights are such complex matters that they therefore require more investigation than a simple word count.

The GAAA in its review intends to check, count and analyze if the utilized language is sensitive to Gender and Human Rights and if the mainstreaming is made starting from the assessment and analysis of the situation and related gender diagnosis, selection of priorities to the stated objectives, planned and implemented actions to the expected and achieved results and finally M&E mechanisms and indicators.

A qualitative and more focused review and in-depth analysis has to be conducted at this phase through the adoption of an approach which intends to go beyond the word-frequency count of which the results can be biased, either intentionally or not. It will be conducted thanks to the utilisation of a GRH check list that was adapted for this purpose.

The assessment will cover the selected documents and the analysis will be quantitative and qualitative as well as horizontal and vertical. If the number of documents quantitatively reviewed (Tool 1) is too high, the Gender reviewers/auditors were allowed to select a representative sample applying the GHR check list to conduct a more focused and in-depth analysis. This check list could be also used in the daily work when preparing a new programme/project or any other document or report which needs to be analysed from the GHR perspective.

During the utilisation of the tool 1, the gender reviewer/analyst/auditor will have to read carefully the document and take note when necessary to be able to contextualize and analyze the keywords, and report on that to clarify the meaning of each one of them, when and if need be. That helps also to check if the keywords are used either within a gender and human right framework or not.

This tool is proposed to organize the textual information/corpus into categories and sub-categories through the step-by-step planning and programming and provide accordingly a deeper more meaningful multi-level reading of the content under scrutiny. The results will support/consolidate the findings of all stages and various tools used in the desk review to be confirmed later on by the field assessment and audit (e.g. interviews with various professionals, managers and service providers, focus group discussions and/or exit interviews with clients, rights holders...).

For this purpose, the GHR Check List (See Supporting Document 3, Tool 2 in the annexes) is developed and adapted²⁸⁵ to the programming area. The GHR check list is organised in the form of categories and sub-categories, with the selection of a series of GHR and planning concepts, tools and approaches.

285. Inspired from Chapter 6: Section 15 “Review and Assessment of Gender Mainstreaming”, UNDG- Programme Procedure and Policy Manual/PPP manual, 2006-2007.

The checklist structures a person's observation, analysis or evaluation of a performance or artifact. It can be a simple list of criteria that can be marked as present or absent, or can provide space for observer comments. This tool can provide consistency among the various utilised methods/tools over time and/or between observers/analysts.

As a conclusion of the audit/assessment process, analysis and consolidation of the overall exercise, the 2nd phase (Tool 2) intends to refine the evaluation of the findings of the quantitative and qualitative content analysis (Tool 1) and define related approaches in planning and programming starting from the situation analysis to the M&E.

Phase 3: The Gender Equality Continuum (Tool 3)

The Gender Equality Continuum is a tool for designers/planners and implementers to use in planning how to integrate gender into their programmes/policies going from gender blind to gender aware programs, towards the goal of equality and better development outcomes, to consciously address gender constraints and opportunities, and plan their gender objectives.

The Gender Integration Continuum²⁸⁶ is a conceptual framework, to guide various projects on how to integrate gender. This framework categorises approaches by how they treat gender norms and inequities in the design, implementation, and evaluation of programme/policy²⁸⁷. As defined by the IGWG, norms encompass attitudes and practices and a system consists of a set of interacting structures, practices and relations.

Gender based policies and programs examine and address the set of economic, social, and political roles, responsibilities, rights, entitlements, obligations and power relations associated with being female and male and the dynamics between and among men and women, boys and girls.

As a tool, the Quantitative Content Analysis (Tool 1), the Qualitative Content Analysis/check list (tool 2) and the Gender Continuum (Tool 3) could be applied as it is to any programming document. However, its use –as with the others– will make more sense, if it helps complete a comprehensive step-by-step assessment/evaluation as the one conducted in the 1st and the 2nd phases of which the result appraisal could be deepened and refined thanks to the Gender Continuum.

With its analytical and programmatic frameworks and through the appreciation of the findings of each phase, the Gender Continuum (Tool 3) will help confirm the adoption of gender mainstreaming to achieve Gender Equality in Human Rights principles and the implementation –or not– of approaches that concur to transform these principles into reality in planning and programming of people's life.

Change particularly when it relates to society and moreover to gender construction and relations always occur progressively. The gender continuum (tool 3) proposed in this methodology is also organised into stages: organised at two levels, Analytical and Programmatic with various degrees for each level, the Gender continuum is the framework that appraises the process, the approach

286. The Gender integration continuum has been developed by the Interagency Gender Working Group/IGWG, (but not only since many other organisations use this tool and adapt it to their needs) which promotes gender equity within population, health, and nutrition programs with the goal of improving reproductive health/HIV/AIDS outcomes and fostering sustainable development. <http://www.igwg.org/>

287. http://www.igwg.org/igwg_media/Training/FG_GendrIntegrContinuum.pdf
See Geeta Rao Gupta, "Gender, Sexuality and HIV/AIDS: The What, The Why and The How" (Plenary Address at the XIII International AIDS Conference), Durban, South Africa: 2000; Geeta Rao Gupta, Daniel Whelan, and Keera Allendorf, "Integrating Gender into HIV/AIDS Programs: Review Paper for Expert Consultation, 3–5 June 2002," Geneva: World Health Organization 2002; and WHO/ICRW, "Guidelines for Integrating Gender into HIV/AIDS Programmes," forthcoming.

and interventions, from gender blind to transformative vision towards Gender Equality and Human Rights as described in the Supporting Document 4 in the annexes.

Phase 4: The Fair Trade checklist (Tool 4)

Countries and/or organisations that are not members of the WTO are not committed to its rules, principles or code of conduct and therefore not accountable for their implementation or respect. However, the WTO's Principles could be considered as pertinent enough to be used also as a Gender & Trade check list to assess the Economic and Trade agreements, policies and related programmes, not only because they are stating Fairness in Trade.

Indeed the 10 principles are clearly gender sensitive and promote Non-Discrimination, Equity and Women's Economic Empowerment but also women-men equality to only quote the right to equal pay for equal work:

Box 21

Fair Trade Principles

- Principle One:** Creating Opportunities for Economically Disadvantaged Producers
- Principle Two:** Transparency and Accountability
- Principle Three:** Fair Trading Practices
- Principle Four:** Fair Payment
- Principle five:** Ensuring no Child Labour and Forced Labour
- Principle Six:** Commitment to Non Discrimination, Gender Equity and Women's Economic Empowerment, and Freedom of Association
- Principle Seven:** Ensuring Good Working Conditions
- Principle Eight:** Providing Capacity Building
- Principle Nine:** Promotion Fair Trade
- Principle Ten:** Respect for the Environment

This is why the above principles are proposed to be used as a tool 4 to be used in the phase 4 of the process (see Supporting Document 5 in the annexes).

SECTION II-I. 3. The GAAA's Pilot Rapid Assessment/PRA

1. Organisation of the GAAA's PRA

When it targets an organisation, the Gender Audit is a self-assessment tool for identifying staff perceptions regarding how gender issues are addressed in programming and in internal organisational systems and activities. It is also a process for creating ongoing gender action planning, and to identify challenges and opportunities to increase gender skills and organisational equality. The Audit is organised into four steps:

- a) Preparing the organisation to carry out a Gender Audit,
- b) Surveying key informants (management and staff) to uncover their Knowledge, Attitudes, Perceptions, Experiences and Practices/KAPEP regarding gender equality in relation with economic participation and Trade as a main category or concern in the organisation and its programmes, rules and regulations... in each one of the 6 countries and all related sub-categories e.g. faced discrimination, human and legal rights, access to and control over resources...in the various areas of investigation (planning, programming, budget, human resources...),
- c) Conducting focus groups to develop an organisational vision of gender equality; and
- d) Creating the organisation's Gender Action Plan²⁸⁸.

Thanks to the principle of consultation, participation and inclusion, the stakeholders' analysis and various meetings paved the way for the mapping set up and implementation of other activities.

2. Stakeholders' analysis and support

The first step of the GAAA process consisted of assessing the institution and organisation's readiness for the exercise. The partners were preliminary identified and then systematically informed from the beginning onwards and throughout the process. It was done not only through contacts and other ways of communication and discussions but also during regional meetings, launching workshops and brainstorming sessions.

The Gender & Trade summary in three languages was widely shared among countries and regional organisations. They were asked to engage in this process.

To ensure readiness and partnership, preparation and organisation of the implementation of the GAAA exercise consisted of:

- First, develop a plan for communicating at each step of the GAAA process to inform/involve stakeholders and organisations, and on any initiative, describing again the value of conducting the gender audit process and the gains that will be made as a result.
- Second, gain support from senior leadership; they are the crucial conductors —without which the musical score cannot be played— for successfully carrying out of the entire process.

288. InterAction Gender Audit Handbook: A Tool for Organizational Self-Assessment and Transformation <https://www.interaction.org/sites/default/files/Gender%20Audit%20Handbook%202010%20Copy.pdf>

- Third, communicate to focal points/staff what the GAAA is about, timeline and what steps are involved, including the benefits to the organisation/institution...

3. The Mapping

Mapping is essential for the research itself and its preparation started with stakeholders' analysis that required preliminary identification of both claim holders and duty bearers as data and information sources and resources from one part, and to establish a sampling for the field survey, from another.

3.1. Why mapping is important?

As already mentioned, the project intended to produce data and information to support implementation at various phases. The mapped stakeholders are selected (sampling) to conduct the PRA in the field and consolidate the Gender & Trade state of art and define potential partnership framework. Much more important, it will help in drawing the power map and whom to target later on to conduct evidences based advocacy, policy dialogue and planning for change towards Gender Equality in Economic participation and Trade markets.

3.2. Mechanisms & institutions in place

The purpose of the exercise is to produce a good knowledge of main actors and power forces in presence (power map) governmental institutions or non-governmental organisations, from public or private sectors as well as civil society organisations, concerned either directly or indirectly by Gender & Trade. This includes and not limited to:

- Women Machineries,
- Ministries in charge of Planning, Economy, Trade...# sectors could be also selected to focus on, such as agriculture, industry and/or new technologies/telecommunication...
- Finance institutions,
- Professional organisations (e.g. Employers, employees, entrepreneurs...),
- Statistics institutions/offices,
- Specialised NGOs/CSOs working on Women Human Rights and more particularly economic empowerment of women,
- Any other...

3.3. Results of the Mapping

One of the important tasks was to assess in the 6 covered countries the stakeholders and institutions that interfere with and/or influence the Gender and Trade field. The output of this exercise allows collecting enough data and information identifying partners for programming and implementation but also representing a power of change. It will enrich the data base of CAWTAR to be made available to all interested users.

Gender & Trade

The main results are:

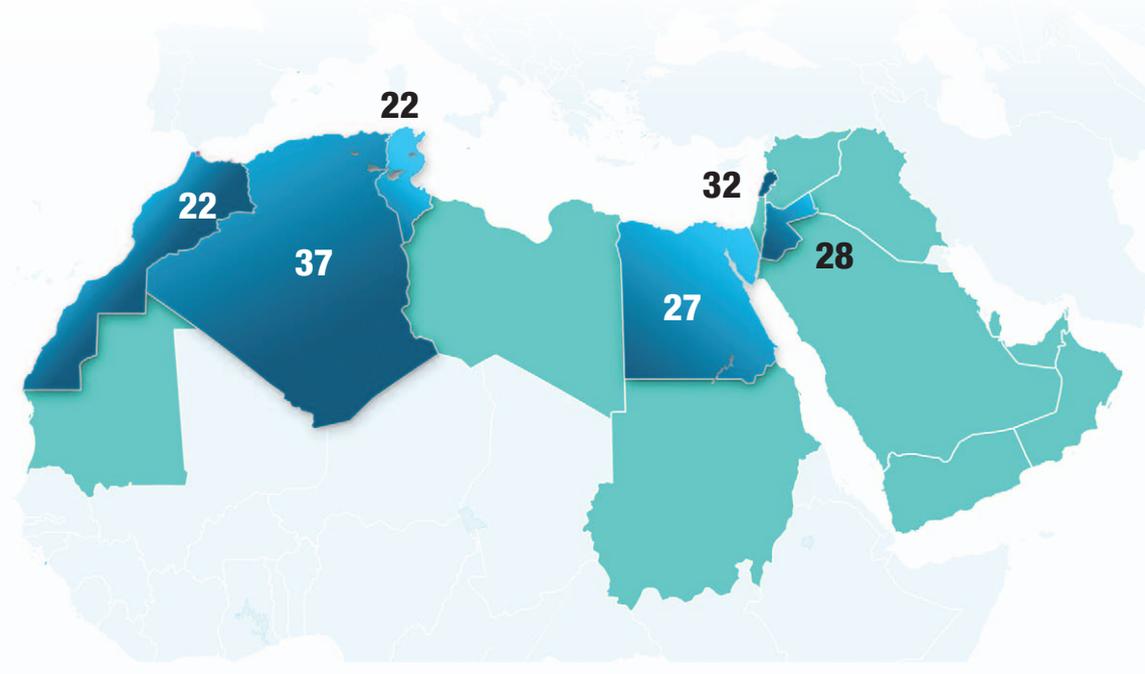
- 6 country mappings describing sectors, groups, professionals, advocates... who were approached in this case in each of the six countries with focus on the more concerned or interested in the area of interest,
- An inventory of actions undertaken by the various listed governmental institutions, sectors and organisations,
- A regional mapping was also prepared by the CAWTAR team.

The type of institutions and organisations mapped at country level are:

- Governmental institutions (Ministries, Centres, National Funds and National Banks, etc),
- Civil Society Organisations: (Professional Associations, Chambers of Commerce, Development and Credit Associations, etc.),
- International organisations: United Nations Agencies, EU Bi-lateral Cooperation agencies, USA, Canada, International banks, etc.

At the country level, 168 stakeholders and institutions were assessed in the 6 concerned countries as herewith illustrated.

Figure 36: Country mappings



The mapped organisations are herewith disaggregated by number for each type of institution/organisation.

Country	GOs	NGOs	Int/Reg .	Total
Algeria	14	15	8	37
Egypt	6	8	13	27
Jordan	10	11	7	28
Lebanon	10	14	8	32
Morocco	6	4	12	22
Tunisia	8	8	6	22

In some mappings, like Algeria, Jordan, Lebanon and Tunisia, the state institutions working on women and trade are more numerous than Egypt and Morocco where only 6 were identified as herewith listed:

- Egypt: Ministry of Agriculture, Ministry of Trade and Industry, Ministry of Social Solidarity, The National Council of Women, Central Bank of Egypt and Maglees El Shaab (Parliament).
- Morocco: Ministry of the Family of Solidarity of Equality and Social Development, Ministry of Industry, Investment, Trade and Digital Economy, State Secretariat for Crafts and Social Economy, Cooperation Development Office, National Mutual Aid, Gender Observatory of the Public Service.

In Algeria, Tunisia, Lebanon and Jordan, in addition to the “traditional” ministries, research centres are cited for their active involvement in gender and trade; (Algerian Research Centre for Applied Economics for Development) and agencies promoting industry and agricultural investments (Tunisia). In Algeria, Lebanon and Jordan, national civil society organisations are engaged in the promotion of women in commerce; in Egypt and Morocco it is the case of the regional and international organisations.

Countries of Interventions	ALG	EG	JOR	LEB	MOR	TUN
Organisations						
African Development Bank/ADB	▪	▪			▪	▪
ENDA ²⁸⁹					▪	▪
Islamic Development Bank/IDB	▪	▪	▪	▪	▪	▪
League of Arab States/LAS	▪	▪	▪	▪	▪	▪
Arab Maghreb Union/AMU	▪				▪	▪
ILO	▪	▪	▪	▪	▪	▪
French Agency of Development	▪	▪	▪	▪	▪	▪
GIZ ²⁹⁰	▪	▪	▪	▪	▪	▪
North South Consultants Exchange		▪				

289. Environment and Development Action in the Third World

290. The Deutsche Gesellschaft für Internationale Zusammenarbeit /German Corporation for International Cooperation

Gender & Trade

Plan international		■	■	■		
The World Bank	■	■	■	■	■	■
UNDP	■	■	■	■	■	■
UNIDO	■	■	■	■	■	■
UN/WOMEN	■	■	■	■	■	■
USAID	■	■	■	■	■	■
World trade center associations	■			■		
WTO	■	■	■	■	■	■

For all countries, examples of more active regional and international organisations, bi-lateral and multi-lateral cooperation, in these areas, are UNDP, UN/WOMEN, World Bank, Sida, GIZ, etc.

Some bi-lateral agencies working with the local Governments and implementing the same programs in six countries, Like:

- Agence Française de Développement/AFD provides support to its partners in the Region in various development domains that include poverty, education, water, health, climate, justice, etc. ensuring that gender and human rights are crosscutting all interventions and mainstreamed at all levels, in all countries it conducts works in. The AFD endorsed for that purpose, a rating system set up on the basis of the OECD's classification (DAC marker).
- Deutsche Gesellschaft für Internationale Zusammenarbeit/GIZ is also active in women economic empowerment and integration in business and employment in Egypt, Jordan, Morocco and Tunisia.

4. The GAAA's Pilot Rapid Assessment

Based on its GAAA experience in many countries and with many actors in the region and due to the purpose and context of this exercise, CAWTAR team organised the field survey as follows:

- Rapid Survey assessing Knowledge, Attitudes, Perceptions, Experiences and Practices/KAPEP,
- Key informant interviews (KIIs) and,
- Focus groups discussions.

4.1. The Gender Audit organisational questionnaire

4.1.1. The Sampling

In addition, its specific purpose, the mapping allowed identifying among the assessed institutions and organisations, the required samplings for the GAAA implementation in its different phases from the desk audit of the agreements and economic policies to the gender audit questionnaire and identification for key informant interviews/KIIs to be involved in the three components of the PRA: filling Gender Audit questionnaires and participating to the individual or group interviews.

The sampling involved as possible among representatives of management and staff (a sample of heads/supervisors and programme specialists, human resources and finances) in addition to Gender and Trade professionals and Gender and Human Rights activists ...

The selection/sampling for both interviews and focus group discussions were agreed upon in the 1st technical meeting and refined throughout the implementation process among the concerned claim holders and duty bearers, taking into account the country mapping and the findings of the first steps of the GAAA exercise.

4.1.2. The GAAA questionnaire framework

Surveys or Questionnaires are instruments used for collecting data in survey research. They usually include a set of standardized questions that explore a specific topic and collect information about demographics, opinions, attitudes, or behaviors.

A questionnaire's framework is prepared to ensure unified assessment on how GHR issues are addressed in the different Planning and Operations processes and levels. It allows also confirming the vision and expectations of the KIIs on how it should be done and what are the strengths, potentials, main obstacles and shortages in addressing Gender Equality in Human Rights in their organisation.

The questionnaire framework is structured into categories and sub-categories of the GAAA as herewith listed and the Gender Audit questionnaire established accordingly (see supporting document 6 in the annexes).

Table 34: The Gender Continuum (Trade Agr.)	
Categories and sub Categories	Number of questions
PROGRAMMING	
Program Planning & Design	6 questions
Program Implementation	6 questions
Technical Expertise	6 questions
Monitoring & Evaluation	7 questions
Partner Organisations	4 questions
MANAGEMENT/OPERATIONS	
Gender Policies	5 questions
Staffing	5 questions
Human Resources	12 questions
Advocacy, Public Relations, & Communications	4 questions
Financial Resources	3 questions
Organisational Culture	20 questions
Biographical information of the respondents like sex, age, education, civil status, field of specialisation....	

The framework and its questionnaire were discussed and tested during the 1st technical meeting in March 2018 through a role play. The exercise was very informative as regards to the knowledge, attitudes and perceptions of the team members themselves.

Later on, stakeholders had also the opportunity to give their input and test the questionnaire particularly during the launching seminars in countries when it was organised or some meetings with regional organisations.

Before consolidation and generalisation to the selected sampling, it was agreed that any adaptation to the country or regional organisation context, will have to avoid impacting the essence of the GAAA meaning and purpose, the GHR stated assumptions maintaining the required harmonisation among the countries.

4.2. The GAAA ethics and code of conduct

As any other survey or research, ethics guidelines are required for the GAAA exercise. They are essential when it relates to such sensitive issues. Rules are not so much different from those related to research, medical care or legal assistance.

Some orientations and tips were developed to be taken into consideration for both interviews and Focus Group Discussions/FGDs. This includes a Consent form (see Supporting document 7).

5. The Focus Group Discussions/FGDs

Focus group discussions (FGD) are defined as semi-structured discussions which yield qualitative data on the community level by facilitating interaction between participants. In-Depth Interviews include both individual (e.g. one-on-one) and “group” interviews (e.g. FGDs). It was understood that these two tools cannot be used without having the preliminary findings of the questionnaires and at least an overall appreciation of the GAAA exercise.

The third step of the PRA --and the last for the overall GAAA process--was the FGDs. This is the point where a focused review by staff of the results of the questionnaire took place. These conversations provided the basis for identifying actions that need to be taken to promote Gender Equality with focus on Trade. Each focus group conversation begins with a short presentation of the survey results along with key guiding questions for the group to explore. The goal of the focus group conversations is to gain deeper insights into the GA field survey findings and to learn more about trends in the data.

The FGDs and individual interviews are based on assumptions of the GAAA inspired by the Gender & Trade conceptual, referral and operational framework, the findings of the Situation Analysis as well as experience and knowledge of the environment and the field.

Detailed descriptions of the focus group process, including participant selection, questions to ask each group were discussed and agreed upon during the 1st technical meetings to ensure they will be conducted in the same conditions in the six countries.

Guidelines were developed to also guarantee a solid and harmonised approach as regard to the number of participants, target population of the focus groups, number and duration of the focus group, location and facilitation of the FGDs, facilitation... as well as size and composition of the samples. Usually samples are to be representative of the heterogeneity of the population and

target groups. Therefore, it is expected to form as many groups as necessary to be able to illustrate the difference of each one. This project is a very illustrative example: The study focuses on gender equality in relation to economic empowerment and trade. Respondents are similar because they are all concerned with the topics as a concept or by any of their aspects, but they are also different since they come from different organisations and institutions (gender, rights, advocacy, trade, distribution, manufacturing, etc.). This is why, to ensure recruitment of participants, it was important to have simple criteria selection such as:

- Representatives from the institutions and organisations on the mapping among those who answered the questionnaires,
- Employers and professional organisations, young women's and men's entrepreneurs, banks, credit agencies, as well as chambers of commerce...
- Civil society organisations and the media...

Having the same structure for the FGDs and individual interviews was also important. It consists of 4 areas to orient the country facilitators who were left free to prepare their own questions under certain technical conditions such as respecting the the FGDs' organisation requirements (number, duration...), avoiding a high number of questions and risk of redundancy. Facilitators were also expected to be well informed on the trends (State of art/situation analysis, GAAA Questionnaires ...) as well as the outlines of conclusions and recommendations, even if they were not completely formalised at that time.

AREA 1: Gender equality (knowledge and perception)

1. In development (policies, programs, strategies ...)
2. In legal rights (national legislation) and human rights
3. In the economic and commercial fields
4. Obstacles and opportunities
5. Would anyone want to share their experience (but it is not obligatory)

AREA 2: Access to resources and their control

1. Women in decision-making positions in general and in business/entrepreneurship
2. The distribution of the economic and financial resources among men and women

AREA 3: The change required to strengthen women's position and access to the market at the national, regional and international levels

1. The most appropriate messages
2. The most effective ways
3. The most influential target groups

AREA 4: Communication and Advocacy

1. The most appropriate messages
2. The most effective ways
3. The most influential target groups

The GFDs structure, expected questions and responses even when adapted to each group and organisation should be consistent with those of the interviews:

- Women and men,
- Self-employed, entrepreneurs,
- Cooperative or factory employees...
- CSOs,
- Professional organisations....

In conclusion...

1. Testing and applying the GAAA in the field

Special efforts were made to develop the methodology and tools in three languages (Arabic, English and French) early on in the implementation process, selecting and training CAWTAR and country teams, organising the work in terms of tasks, workplan and timeline ... as above described. The purpose was to ensure that the set out of the GAAA undertaken is the most comprehensive.

Due to technical and time factors, but also given the differences between the countries, it was agreed to select a sample of the content not similar for the six countries but at least representative enough to constitute the body of information to be submitted to the GAAA exercise. The sample was drawn from the total number of listed documents to constitute the corpus i.e. a number of already written documents either Trade agreements or economic policies.

To be able to proceed to the counting, the content/corpus was divided into a number of units, roughly similar in meaning and size. Operating the units and counting the keywords, both in a manual and a computerized manner motivated the teams and helped them progress towards the other steps and more particularly the PRA.

As detailed in the Chapter III-Part II, the whole process consisting of reaching around 1000 stakeholders either directly reached (i.e. individuals and institutions targeted by the implementation in terms of direct communication and participation to the activities in the context of the G&T project) or indirectly reached (i.e. individuals and institutions informed on the project to involve them in the process at the occasion of events not organised by CAWTAR in the context of the G&T project e.g. the LAS events).

This number includes 196 respondents to the Gender Audit questionnaires, 93 Focus groups discussants and 10 interviewees (face to face).

2. Difficulties in the field

The implementation started as agreed upon however the process faced a number of difficulties throughout its different steps for various reasons:

The number of countries (6) selected was too high for a very short pilot phase (one year) and even more so, the ambitious expected results with a very complex methodology and a heavy schedule (National launching seminars, Situation analysis, GAAA, field surveys, consultation and validation regional seminars, Regional and national trainings).

The responsiveness of the partners was different from one country to another, and from one regional organisation to the other but also sometimes within the same country or within the same organisation. As a matter of fact, it is crucial not to ignore the sensitive nature of this work which not only focuses on gender and human rights of women but also puts together gender balanced teams, women and men “equally” discussing, arguing and having their own vision and beliefs concerning these issues regardless of their education, their technical background or professional experience. Various forms of resistance to the GAAA in itself and not necessarily from a technical point of view were observed under the pretext that “everyone can have his own methodology”, “women acquired more than their rights”, “women took everything... it remains only men business and international markets” or “there are more important problems to deal with in the region” to only quote a few examples.

Some attitudes were typical of the known and fought back gender stereotypes to name only imbalanced power relations when they had no reason to be especially in this environment or line of work. Just as an example, if the work of the consultants had been measured, the high rates of women’s productivity would not have been surprising.

3. What findings to expect?

The purpose of the GAAA is to assess to which extent gender and human rights are taken in the economic policies and trade agreements in terms of concepts, principles, goal and objectives (Chapter II-II).

The Pilot Rapid Assessment/PRA is a field survey targeting main actors, especially the actors of change/power within the concerned entities and sectors; it will also contribute to this consolidation of the recommendations (Chapter II-III).

The Gender & Trade diagnosis (SitAn and GAAA including PRA) is expected to complete and refine the results, more particularly the identified gender gaps to be wrapped up and confined in a more logical frame, opening new perspectives (Conclusions & Recommendations).



Chapter II-II

Gender Assessment, Audit and Analysis in the countries

Chapter II-II: Gender Assessment, Audit and Analysis in the countries

Introduction

As already highlighted, only six countries are targeted by the project, three from the Middle East (Egypt, Jordan and Lebanon) and three from North Africa (Algeria, Morocco and Tunisia). It was decided that the work will be organised at two levels:

- Proceeding to a desk review to assess the level of development achievements and indicators and with an analysis of the policies, programmes and services as well as the legislation from gender/GAAA and Human Rights perspectives (Part I),
- Conducting a GAAA exercise with a focus on economic and trade policies as well as trade agreements (Part II).

The methodological approach utilised to structure, elaborate and develop this report relied mainly on a mixed methodology of quantitative and qualitative approaches. The GAAA methodology and related tools were specially prepared and/or adapted to this exercise to support and refine the situation assessment and analysis through the review of relevant documents e.g. trade agreements and economic policies & strategies, representing the whole corpus. Four GAAA tools are used to appraise, through assessment, auditing and analysis, to which extent the different economic and trade related documents (agreements and policies), target equally women and men in terms of equal access and control of resources to ensure they enjoy rights and assume their duties without any form of gender-based-discrimination (see details in Chapter II-I and related annexes).

The objective of the exercise is to provide concrete evidences on how gender and consequently human rights are, or are not, incorporated into trade agreements signed by the country, related laws, rules & regulations and programme/projects. The findings of the review and analysis will help identify the best ways to fill the identified gaps towards gender Equality in Human Rights, this case being in economic development with focus on Trade.

All details concerning the methodology and tools are shown and explained in the Chapter II-I and detailed in annexes with a number of supporting documents that includes among others a gender and human rights lexicon, the development approaches as well as the four GAAA tools guidelines (Chapter II-I).

The Chapter II-II will present the findings of the GAAA on a number of selected Trade Agreements, policies, strategies, plans and programmes that have been assessed, audited and analysed in each covered country.

The total of the documents reviewed for the purpose of the desk review, situation analysis and GAAA exercise used the 6 countries under review is 402 (general bibliography and specialised references such as reports, surveys..., laws, trade agreements, policies, strategies and programmes related documents).

The detailed bibliography, the Gender & Trade Country Profile and country & regional mappings can be consulted via the link in the hereunder end note²⁹¹. The number of these documents and their “volume” vary by country as shown in the following table:

Table 21: Total of audited documents (trade agreements, policies and laws)			
Country	Bibliography	Trade Agreements	Policies/ Strategies/
Algeria	35	6	2
Egypt	22	7	5
Jordan	62	11	10
Lebanon	99	22	7
Morocco	59	6	11
Tunisia	87	12	15
Others	38		
	402	64	50

291. GTCP, detailed bibliography and mappings. http://www.cawtarclearinghouse.org/Site%20Pages/English/Asset.aspx?wCountry=&wLanguage=en&wTypeRequest=SubTopic&wSubTopic_ID=182

SECTION II-II.1. The GAAA in Algeria

1. The GAAA corpus

Following the reforms of the 1980s and 1990s, Algeria has undertaken to reform its trade policy toward aligning it with that of its partners. This involved, in particular, a simplification of customs procedures and a significant decrease in customs tariff. Algeria has a relatively low level of integration in multilateral and bilateral trade, compared to other North African countries, with the exception of Libya. It is the country that has ratified the least number of preferential trade agreements at the bilateral and regional levels. Algeria is still not a member of the WTO, though negotiations had started in 1987. It has more than once denounced the Association Agreement with the European Union. As regards preferential trade, Algeria has ratified agreements with the European Union (EU), Tunisia, and the Great Arab Free Trade Area (GAFTA) and co-founded the Arab Maghreb Union.

Except the programmes and projects supported by the United Nation System (UNIDO) or bilateral cooperation agency (GIZ), the country team was unfortunately not able to identify and/or select national policies or programmes dedicated to economic and trade issues that were supposed to be part of the corpus with the Trade agreements. The team decided to include, among the basic documents to be reviewed and incorporated into the GAAA corpus, a number of laws that have been analyzed in Part (I.2.) as legal texts governing access to national, regional and international markets. These documents which included also a Human Rights International Convention are detailed below:

1.1. Trade agreements:

- EU-Algeria Association Agreement,
- The Barcelona Declaration,
- Trade Facilitation Agreement (Great Arab Free Trade Area),
- Algeria-Tunisia Free Trade Agreement,
- Marrakesh Treaty establishing the Arab Maghreb Union.

1.2. National legislation:

- Law setting the terms and conditions for use of state-owned agricultural lands,
- Ordinance setting the terms and conditions for concession of state-owned lands for the implementation of investment projects,
- Code of Commerce,
- Customs Code,
- Labour Code,
- Investment Code,
- Finance Law for 2018,
- Public Procurement Code.

1.3. International instruments:

- International Covenant on Economic, Social and Cultural Rights.

2. The GAAA results

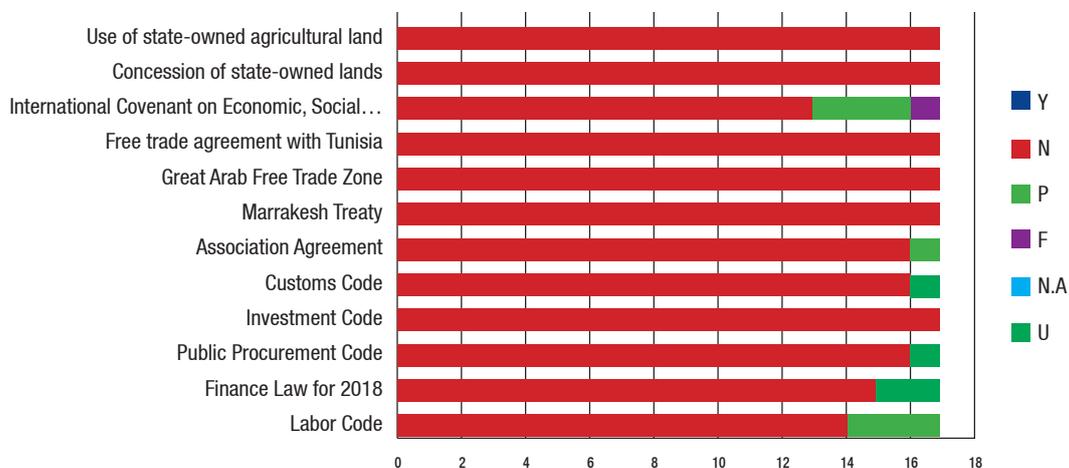
The GAAA objective is to provide concrete evidence on how Gender, and therefore Human Rights, are, or are not, mainstreamed in the trade agreements signed by Algeria, as well as in the relevant laws/legislations, rules/regulations, and programmes/projects. The findings of the review and analysis, notwithstanding their limited scope, will help to identify ways to address identified gaps regarding Gender Equality and Human Rights in economic development, with focus on Trade.

As above specified, for Algeria, there was a mix between Trade Agreements, economic policies, laws and international covenant which made the exercise a little bit confusing in terms of comparison with the adopted methodology and approach and as to the comparative dimension.

Phase 1: The GHRT Quantitative Content Analysis (Tool 1)

The quantitative analysis of the thirteen (13) documents was carried out with a focus on 17 Gender and Human Rights keywords in relation to Trade (GHRT). Under the most common notion of quantitative research, content review and analysis involved counting the number of times the keyword is referred to in the document. This is based on the assumption that the most frequently mentioned words are those that reflect the most significant concerns.

Figure 37 : GHRT Quantitative Content Analysis (Trade Agr. & others)



The corpus included 13 documents (661 pages i.e. 165250 words). There were only 204 responses with a majority of “No/Never” answers, as shown in the above Figure 37. This makes these results out-of-date, as some documents were not supposed to be part of the corpus, to only cite the International Covenant on Economic, Social and Cultural Rights. This calls for a number of comments:

- The results pertaining to the analysis of documents in the economic sphere are very weak. In fact, 191 responses out of a total of 204 (almost 94%) make no reference to any of the 17 keywords;
- There are no “Yes/Always” answers referring to Gender. The “Sometimes” answer appears three (3) times in the Labour Code, once (1) in the Association Agreement, and three times (3) in the International Covenant on Economic, Social and Cultural Rights.

These poor results can be explained in several ways:

- The Investment Code, the Labour Code, the Public Procurement Code, and the provisions for access to concession and investment in the private domain of the State do not include any concepts or principles relating to Gender.
- Algeria’s openness to regional and global markets is still limited. Only the Association Agreement with the EU makes reference to Gender.
- Cooperation among the GAFTA countries does not provide for any association between Trade and Gender.

In conclusion, the constitutional reforms that have contributed to promoting the principles of Gender Equality and Women’s Empowerment have not yet been reflected in all national laws, particularly those in the economic sphere, as is the case, for instance, in the political sphere. This creates incoherence between the Fundamental Law and economic legislation. It would, therefore, be highly recommended to align this legislation with the constitutional reforms in the near future.

Phase 2: The GHRT Qualitative Content Analysis: The Checklist (Trade Agr.& others)

Following the quantitative analysis phase, the sample has been narrowed to only 6 (out of 13) documents that are directly related to the economic and commercial spheres (Labour Code, Public Procurement Code, EU-Algeria Association Agreement, Investment Code, Ordinance setting the terms and conditions for concession of state-owned lands for the implementation of investment projects, and Law setting the terms and conditions for use of state-owned agricultural lands).

The GHRT checklist involves four headings that represent the main phases of the planning process:

1. General context and Program Analysis,
2. Program Preparation and Program Strategies,
3. Actions / expected results,
4. Monitoring and evaluation.

There were forty-four (44) questions relating to Gender and Human Rights mainstreaming at the programmatic level. The results are summarized in the following table:

Table 22 : The GHRT Qualitative Content Analysis: The Checklist (Trade Agr.& others)						
Laws Trade Agreements and related national laws	Y	N	P	F	NA	NS
Labour Code	0	44	0	0	0	0
Public Procurement Code	0	44	0	0	0	0
Investment Code	0	44	0	0	0	0
EU-Algeria Association Agreement	0	40	4	0	0	0
Law setting the terms and conditions for use of state-owned agricultural land	0	44	0	0	0	0

Gender & Trade

By focusing on programmes, actions and results, this assessment is a second step that presumes that at least some of the Gender-related principles are already there. In fact, the counting and analysis of references to Gender and Human rights, based on the rating used for the qualitative analysis, produces results similar to those obtained during the first phase, as shown through the table above. In fact, only the EU-Algeria Association Agreement shows interest in Gender, not through its statements which remain limited on this issue, but rather by the programmes it has generated, guided, implemented and assessed.

This is not the case for all other documents where Gender and Human Rights are not mainstreamed at any of the phases of the process. This illustrates the lack of harmony between national or sectoral laws and a number of national instruments such as the Fundamental Law or even the Gender strategies, not to mention the country's obligations under international instruments (e.g. CEDAW).

Still, these results are not useless. They, in fact, show that Algeria has actually been engaged in constitutional reforms (2008, 2012, 2016), as well as in establishing relevant mechanisms and policies as part of an institutional transition, but needs more effort to gradually mainstream Gender equality and Human Rights principles.

Phase 3: The Gender Continuum (Tool 3)

The use of Tool 3, just like the previous ones, is all the more meaningful in that it allows to complete a step-by-step assessment which results could be more deeply appraised and refined through the Gender Continuum Tool.

Table 23 : The Gender Continuum (Trade Agr. & others)			
	Yes/ always	Partially/ Sometimes	No/ Never
	Y/A	P/S	N
Analytical Framework			
Gender-Blind	4	0	2
Gender-Negative	0	0	6
Gender-Neutral	5	1	
Gender-Sensitive	0	2	4
Programmatic Framework & Process			
Gender-Informed	1	1	4
Gender-Responsive	0	1	5
Gender-Transformative	0	1	5

Analysis of the sample documents reveals that these documents are essentially “Gender-blind” and “Gender-neutral”, with some nuances however.

Focused essentially on tariffs, the GAFTA agreement and the agreement with Tunisia can only produce commercial effects. No known program, launched by the public or private sector, is dedicated to the Gender issue in the Arab Maghreb. However, none of the assessed documents defends – explicitly or implicitly – any form of discrimination against women.

Gender & Trade

Four (4) out of six (6) documents are Gender-blind, with no ability to identify or recognize a Gender difference, as they refer to groups, not to men or women, or to Gender construction and labour distribution within the family and society. Five (5) out of six (6) documents are Gender-neutral, making reference to Gender norms, roles and relations, but with no impact on their content (Gender Neutral).

Only the Labour Code and the EU-Algeria Association Agreement show certain Gender sensitivity. For the Labour Code, economic empowerment involves essentially equal access to certain rights (work, wage, and other related social rights). However, some of these provisions are rather “Gender-negative” in full conformity with the ambivalence noted in some laws that use norms, roles and stereotypes to reinforce Gender inequalities, as is the case for night work or certain occupations considered as arduous or unsafe for women. As for the Association Agreement, it explicitly integrates Gender into economy and trade, with awareness of the importance of norms, roles, and access to resources as necessary for achieving the goals of the agreement (Gender-sensitive).

At the programmatic level, Gender is rarely “informed” and is therefore neither “responsive” nor “transformative”. These conclusions logically flow from the two previous analyses.

Phase 4: Fair Trade Principles Checklist (Trade Agr.)

The application of the Fair Trade Principles produces results that are fully consistent with some of the Gender and Human Rights principles. Four (4) out of ten (10) principles are respected in this case, namely: Principle 1, 5, 6 and 7. The 6 other principles are not included in the assessed documents.

Table 24 : Fair Trade Principles Checklist			
Key response & Score	Yes/ always	Partially/ Sometimes	No/ Never
	Y/A	P/S	N
Principles			
P1: Creating Opportunities for Economically Disadvantaged Producers	Y		
P2: Transparency and Accountability	0		
P3: Fair Trading Practices	0		
P4: Fair Payment	0		
P5: Ensuring no Child Labour and Forced Labour	Y		
P6: Commitment to Non Discrimination, GE and WEE and Freedom of Association	Y		
P7: Ensuring Good Working Conditions	0		
P8: Providing Capacity Building	0		
P9: Promoting Fair Trade	0		
P10: Respect for the environment	0		

3. Conclusions

The economic reforms undertaken since the end of the 1980s, opening up the field to private initiative, have benefited women and men in an unequal manner. The female participation rate, one of the lowest in the world, is almost four times lower than that of men. This is all the more paradoxical with female university students largely outnumbering male students during these last years.

The social and institutional functioning thus hampers a significant economic potential that can generate more growth especially that a large number of women with diplomas are either unemployed or confined to domestic tasks. Obstacles are essentially related to society's Gender construction, norms, practices and stereotypes. Besides, the difficulties that women face in accessing markets stem from production-related factors such as capital and land, both being prerequisites for starting businesses.

The regulation of access to credit, "blind" and "neutral" in its text and sometimes "negative" in its application, is not enough to ensure equal access to finance. In its effective practice, credit granting is clearly disadvantageous for women because they have fewer assets than men to meet the guarantees required by banks. This is because their place in society imposes on them a number of family and cultural constraints linked to their lack of experience, which banks perceive as a potential risk.

SECTION II-II.2. The GAAA in Egypt

1. The corpus

The four GAAA tools are expected to provide concrete evidences on if and how gender and human rights are -or not – incorporated into multilateral and bilateral trade agreements, national strategies, plans, and programmes. Based on the findings of such review, the study shall identify best ways to fill the identified gaps towards gender equality in economic development with focus on trade. The corpus was formed by a number of selected trade agreements and economic policies.

1.1. Multilateral and Bi-lateral Trade Agreements

- The Uruguay Round of multilateral trade negotiations, what is called the “World Trade Organisation Agreement” (WTO) signed in 1995,
- The Agadir regional trade agreement among Egypt, Jordan, Morocco and Tunisia (signed in 2004), the Greater Arab Free Trade Agreement (GAFTA) among all Arab countries (signed in 1978),
- The Agreement establishing a Tripartite Free Trade Area among the Common Market for Eastern and Southern Africa,
- The East African Community and the Southern African Development Community (2017),
- The Protocol between Egypt and Israel on Qualifying Industrial Zones (QIZ) (2005),
- The Bilateral Free Trade Agreement between Egypt and Jordan (1998), and
- The Execution Programme for Reinforcing Bilateral Trade among Egypt and Lebanon within the framework of GAFTA (1999).

1.2. Policies, Strategies and programmes, directly or indirectly related to Gender & Trade

- The Exports Promotion Strategy, 2018,
- The Plan International Country Strategy (2016-2020),
- The National Strategy for Women Empowerment 2030 (NCW), 2018,
- The Sustainable Development Strategy-Egypt Vison 2030,
- The NCW plan for the period (2015-2018),
- FORSA project, Ministry of Social Solidarity, 2018.

2. The GAAA results

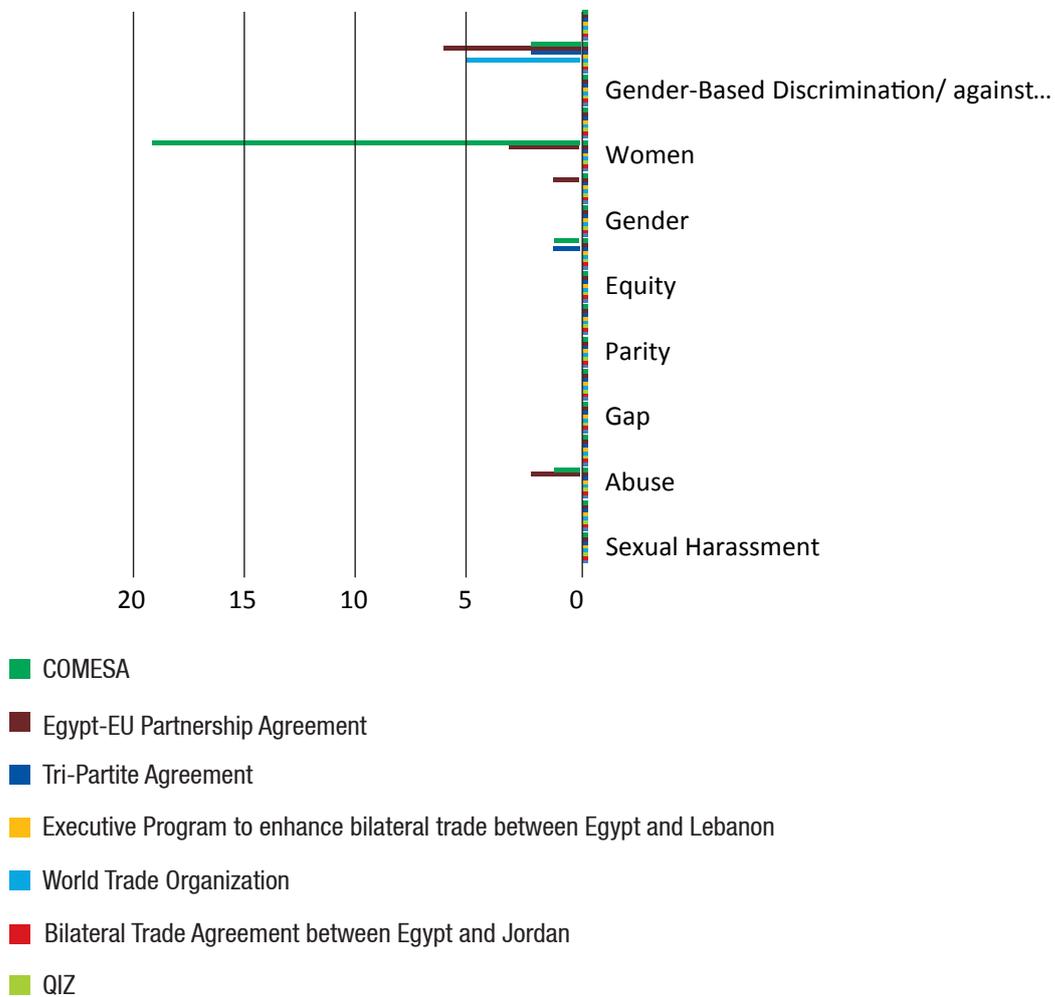
2.1. GAAA Trade Agreements

1st Phase: The GHRT Quantitative Content Analysis (Trade Agr.)

The assessment and counting of the Uruguay Round of multilateral trade negotiations what is called the “World Trade Organisation Agreement” reveals the absence of any specific keyword for gender, gender mainstreaming or reference to human rights related issues or in reference to the CEDAW convention, as highlighted in Figure 38below. Although, the word discrimination was mentioned

several times, nevertheless it refers mainly to discrimination between countries and not to gender discrimination.

Figure 38: The GHRT Quantitative Content Analysis (Trade Agreements)



As a matter of fact, the GHR specific keywords are absent from almost all agreements reviewed to quote the Agadir regional trade agreement, the Greater Arab Free Trade Agreement (GAFTA), the Agreement establishing a Tripartite Free Trade Area among the Common Market for Eastern and Southern Africa, the East African Community and the Southern African Development Community, the Protocol between Egypt and Israel on Qualifying Industrial Zones (QIZ), Bilateral Free Trade Agreement between Egypt and Jordan, and the Execution Programme for Reinforcing Bilateral Trade among Egypt and Lebanon within the framework of GAFTA.

The analysis of the Egyptian- European Partnership Agreement and the Agreement of the Common Market for Eastern and Southern Africa (COMESA) reveals partial reference to women (e.g. their training) and gender. The first one referred to the word “women” 3 times, the word “men” 1 time and the word non-discrimination 6 times. In the second one, the word “women” was counted 19 times, the words “equity- abuse – Non-discrimination” 1 time. In both agreements, non-discrimination was used with no specific reference to gender but to discrimination between countries. The frequent use of the word women in the agreement is attributed to the existence of a dedicated section for women in business.

2nd Phase: The GHRT Qualitative Content Analysis: The Check List(Trade Agr.)

The check list was not applicable (N/A) to almost all agreements due to their technical characteristics. Only the Egyptian- European Partnership Agreement and the Agreement of the Common Market for Eastern and Southern Africa (COMESA), use partial sex disaggregated language (male/female), where the focus on women goes partially beyond their roles as mothers to being producers and exporters.

3rd Phase: The Gender Continuum (Trade Agr.)

The analytical framework of the Uruguay Round of multilateral trade negotiations called the “World Trade Organisation Agreement” is clearly “Gender Blind” as it fails to identify or acknowledge gender-based-differences. To the same end, the programmatic framework is “Not Gender Informed” as it does not analyse gender related issues nor does it aim to narrow gender disparities.

In addition, the analytical framework of the seven above-quoted agreements²⁹², the protocol and the Execution Programme are “Gender Blind” as it fails to identify or acknowledge gender-based-differences. To the same end, the programmatic framework is “Not Gender Informed” as identified in the analytical framework.

To the contrary, although with limited result, the analytical framework of the Egyptian- European Partnership Agreement and the Agreement of the Common Market for Eastern and Southern Africa (COMESA) are “Partially Gender Sensitive” since gender norms, roles and access to resources are addressed in, so far as needed to reach project goals. Consequently, the programmatic framework is “Partially Gender Informed”.

Table 25 : The Gender Continuum (Trade Agr.)			
Key response & Score	Yes/ always	Partially/ Sometimes	No/ Never
	Y/A	P/S	N
Approach			
Analytical Framework			
Gender Blind	10	0	0
Gender Negative	0	0	0
Gender Neutral	0	0	0
Gender Sensitive	0	2	
Programmatic Framework & Process			
Gender informed	0	2	11
Gender Responsive	0	0	0
Gender Transformative	0	0	0

292. The Agadir regional trade agreement, the Greater Arab Free Trade Agreement (GAFTA), the Agreement establishing a Tripartite Free Trade Area among the Common Market for Eastern And Southern Africa, the East African Community and the Southern African Development Community, the Protocol between Egypt and Israel on Qualifying Industrial Zones (QIZ), the Bilateral Free Trade Agreement between Egypt and Jordan, and the Execution Programme for Reinforcing Bilateral Trade among Egypt and Lebanon within the framework of GAFTA.

4th Phase: The Fair Trade Principles Checklist (Trade Agr.)

The WTO agreement addresses only 3 Fair Trade Principles (2, 8 and 10) in some of its articles with no mention to other important gender sensitive principles (4, 6 and 9). Similarly, the 5 agreements, the protocol, and Execution Programme do not address Fair Trade Principles, except the Tripartite Free Trade Agreement (2 and 8).

The Agreement of the Common Market for Eastern and Southern Africa (COMESA) does mainstream components of the principle 6 without giving importance to similar aspects as Principles 4 and 9.

Table 26 : The Fair Trade Principles Checklist (Trade Agr.)			
Key response & Score	Yes/ always	Partially/ Sometimes	No/ Never
	Y/A	P/S	N
Principles			
P1: Creating Opportunities for Economically Disadvantaged Producers			
P2: Transparency and Accountability	2		
P3: Fair Trading Practices			
P4: Fair Payment			
P5: Ensuring no Child Labour and Forced Labour			
P6: Commitment to Non Discrimination, GE WEE, and Freedom of Association	1		
P7: Ensuring Good Working Conditions			
P8: Providing Capacity Building	2		
P9: Promotion Fair Trade			
P10: Respect for the environment	1		

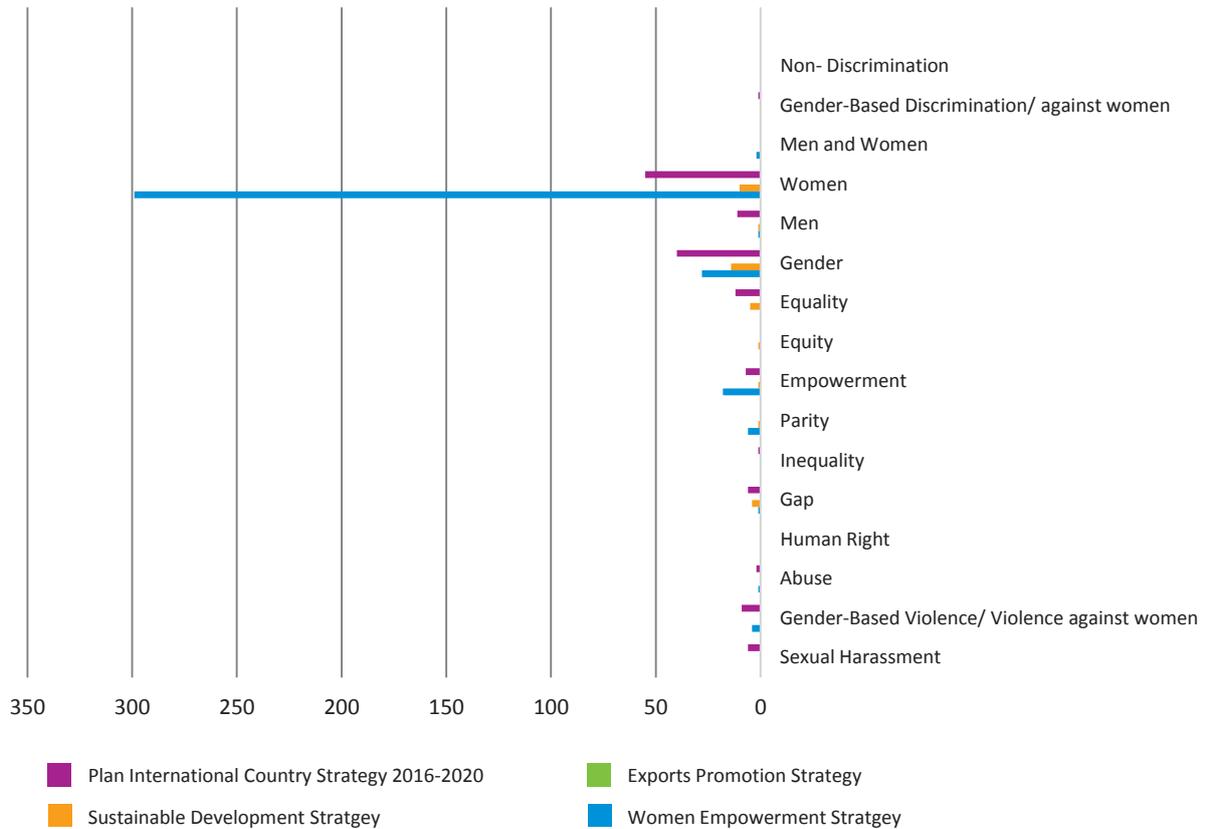
2.2. The GAAA of Policies, Strategies, Plans and programmes

The GAAA tools are applied to a number of policy & strategy documents such as the Sustainable Development Strategy-Egypt Vision 2030, Women Empowerment Strategy, the Exports Promotion Strategy, and Plan International Country Strategy (2016-2020), the NCW plan (2015-2018) and FORSA programme. Except for the tool 1, the country team addressed separately the policies and strategies, from one part, and the plans and programmes, from the other part. The results are herewith consolidated.

1st Phase: The GHRT Quantitative Content Analysis (Policies)

The Sustainable Development Strategy: Egypt Vision 2030 has been designed in 2016 by the Ministry of Planning, Monitoring and Administrative Reform in consistency with the 2030 Agenda and its 17 Sustainable Development Goals/ SDGs. This is the main reason for the frequent utilisation of gender related key words such as “women” ten times, “men” one time, “gender” fourteen times, “equality” five times and “Gap” 10 times, “empowerment” one time and the “equity” one time as highlighted in the below Figure.

Figure 39: The GHRT Quantitative Content Analysis (Policies)

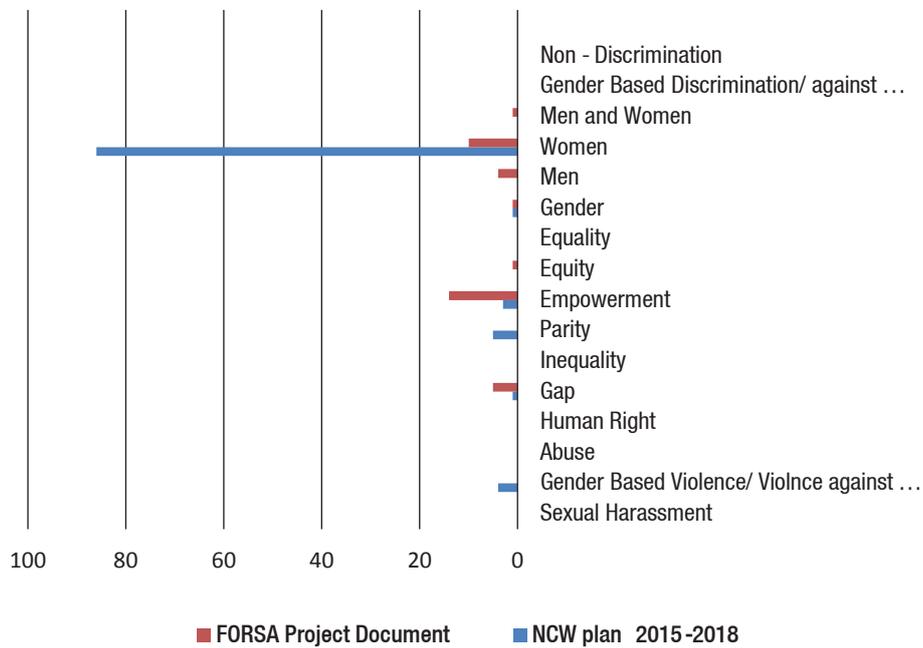


No GHR related keywords are used in the Exports Promotion Strategy (2018). The National Strategy for Women Empowerment 2030 (NCW, 2017) mainstreams gender related keywords such as “women” 299 times, “men” 1 time, and “gender” 28 times, the term “Gender Based Violence” 4 times, “Gap” 1 time, “abuse” 1 time and the word “parity” 6 times. These results are not surprising due to the NCW’s Strategy main goal. As a matter of fact, such policy documents were not supposed to be audited but reviewed and analysed in the Part I- Chapter I, precisely because of their clear GEEE mandate. This result confirmed the validity of the initial criteria to select the GAAA corpus.

The Country Strategy (2016-2020), Plan International²⁹³, revising the 2017 Country Strategy always uses gender words quoting “women” 55 times, “men” 11 times, “gender” 40 times, “Gender-Based Violence” 9 times, “Gap” 6 times, “abuse” 1 time, “equality” 12 times, “sexual harassment” 6 times and “empowerment”. Both NCW plan (2015-2018) and FORSA programme refer to and use GHR keywords: for the first one, “women” is 299 times, “men” 1 time, “gender”, 86 times, “Gender-Based-Violence”, 4 times, “parity”, 5 times, and “empowerment” 3 times. For the second, “women” is quoted 10 times, “men”, 4 times, “empowerment”, 14 times, “gap”, 4 times, and “equity” 1 time as highlighted in the below Figure 40.

293. <https://darpe.me/wp-content/uploads/2017/04/PLAN-CSP-Summary-English.pdf>

Figure 40: The GHRT Quantitative Content Analysis (Policies)



2nd Phase: The GHRT Qualitative Content Analysis: The Check List (Policies)

The Sustainable Development Strategy: Egypt Vision 2030 provides useful baseline information on women's and girls' rights and gender equality as it refers to the indicators of the Gender Gap Index, and it includes specific objectives related to gender equality in the social justice pillar. This is not the case of the Exports Promotion Strategy that does not incorporate, in none of its components or phases, such quantitative or qualitative information.

Obviously the 2030 National Strategy for Women Empowerment and the NCW plan contains baseline information on women's and girls' rights and gender equality with a frequent not to say systematic use of sex-disaggregated data and gender sensitive language. Gender gaps are identified, and the importance of improving national data collection is highlighted particularly for the purpose of identifying Gender-Based-Discrimination/s, Mainstreaming Gender and applying Human Rights Based Approach to Programming/HRBAP.

Similarly, it narrows gender disparities in planning, programming and budget. The assessment of the Plan International Country Strategy (2016-2020) provides almost the same results as of the NCW strategy and plan. Similarly, the GHRT qualitative analysis for the FORSA programme document, provides partially the same results.

3rd Phase: The Gender Continuum (Policies)

The analytical framework of the Sustainable Development Strategy: Egypt Vision 2030 is gender sensitive: its programmatic framework & process is gender informed as it analyses gender related issues. As above highlighted, the Exports Promotion Strategy does not include any reference to women and gender. Thus, the analytical framework of the strategy is "Gender Blind", and the programmatic framework is "Not Gender Informed".

Gender & Trade

Due to its core topic and area of intervention, the analytical framework of the 2030 National Strategy for Women Empowerment is gender sensitive, where the programmatic framework is both “Gender Informed” and “Gender Responsive”. It creates an environment through site and staff selection, program development, content, and material that reflects an understanding of the realities of the Egyptian women and girls’ lives.

The Plan International Country Strategy (2016-2020) is also “Gender Sensitive” in its analytical framework and both “Gender Informed” and “Gender Responsive” in its programmatic framework and process. As regard to plans and programmes, the analytical framework of the NCW plan is “Gender Sensitive”, where the programmatic framework is “Gender Informed” and responsive. FORSA’s analytical framework is partially “Gender Sensitive”, and its programmatic framework & process is partially “Gender Informed” as it analyses partially gender related issues.

Table 27: The Gender Continuum (Policies)			
Key response & Score	Yes/ always	Partially/ Sometimes	No/ Never
	Y/A	P/S	N
Approach			
Analytical Framework			
Gender Blind	1	0	0
Gender Negative	0	0	0
Gender Neutral	0	0	0
Gender Sensitive	4	1	0
Programmatic Framework & Process			
Gender Informed	2	1	1
Gender Responsive	3	0	
Gender Transformative	0	0	1

4th Phase: The Fair Trade Principles Checklist (Policies)

The Sustainable Development Strategy: Egypt Vision 2030 considers to a certain extent the principle 8 but not all the nine others. This is also the case for the Exports Promotion Strategy and the National Strategy for Women Empowerment 2030. The Plan International Country Strategy uses only the Fair Trade principle 7, without referring to any other even if it is very well engaged in gender and human rights related issues.

The NCW Plan refers partially to the Fair Trade principle 7 and 8. Fair Trade Principles 1, 6, and 8 are assessed in the FORSA project. None of them uses even partially the remaining principles and this, despite their gender and human rights sensitiveness.

Table 28 : The Fair Trade Principles (Policies)			
Key response & Score	Yes/ always	Partially/ Sometimes	No/ Never
	Y/A	P/S	N
Principles			
P1: Creating Opportunities for Economically Disadvantaged Producers		1	
P2: Transparency and Accountability	0		
P3: Fair Trading Practices	0		
P4: Fair Payment	0		
P5: Ensuring no Child Labour and Forced Labour	0		
P6: Commitment to Non Discrimination, GE WEE, and Freedom of Association		6	
P7: Ensuring Good Working Conditions	1		
P8: Providing Capacity Building	2	1	
P9: Promotion Fair Trade	0		
P10: Respect for the environment	0		

3. Conclusions

Concerning the principles and objectives of Gender Equality, Equity and Women Empowerment/ GEEW mainstreaming the results of the quantitative and qualitative content analysis reveal, that gender is mainstreamed in the women mechanism strategy and plans as well as the sustainable development strategy and plan international Country Strategy and partially in the national employment program “FORSA Project” implemented by the Ministry of Social Solidarity. However, and as expected the export promotion strategy is gender blind. Moreover, the majority of the assessed, audited and analysed documents did not tackle important gender sensitive fair trade principles (e.g. Principles 4, 6 and 9).

SECTION II-II.3. The GAAA in Jordan

1. The corpus

According to economic analysts, Jordan's foreign trade has developed, and exports of Jordanian goods have increased in recent years, despite all the political and economic upheavals besetting the region. Jordan has joined the WTO and signed several free trade agreements (FTA). The Jordanian Government has, in fact, concluded no less than eight (8) FTAs with countries and with international blocs, foremost among which are the GAFTA Agreement, the Free Trade Agreement with Turkey, the EU-Jordan Association Agreement, and the USA-Jordan Free Trade Agreement. This is in addition to 54 agreements signed with several European, Asian and American countries. Jordan has also concluded preferential trade agreements and bilateral free trade agreements with many Arab countries.

1.1. Bilateral, regional and international agreements

Seven bilateral, regional and international agreements directly and indirectly linked to trade and market access at national, regional or international levels have been assessed, namely:

- Arab Mediterranean Free Trade Agreement (Agadir Agreement) (Jordan, Egypt, Tunisia and Morocco),
- Jordan-Egypt Free Trade Agreement,
- Free Trade Agreement with the EFTA States (Switzerland, Norway, Iceland and Liechtenstein),
- USA-Jordan Free Trade Agreement,
- EU-Jordan Association Agreement (with its three main thrusts: political and security, social and cultural, economic and financial),
- Canada-Jordan Free Trade Agreement,
- Turkey Jordan Free Trade Agreement.

1.2. Plans, policies, strategies and programmes

Two national policy documents were selected for the GAAA purpose:

- Jordan 2025: A National Vision and Strategy,
- Executive Development Program 2016-2018.

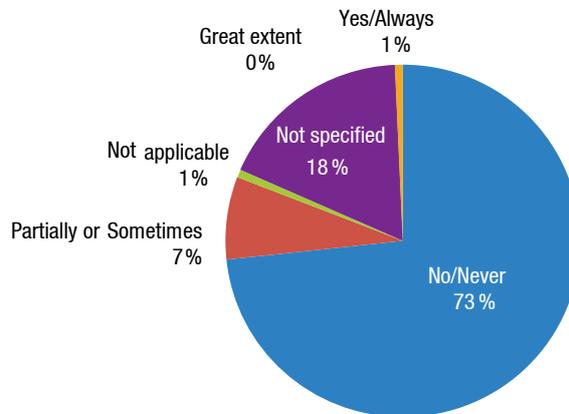
2. The GAAA Results

2.1. The Trade Agreements

Phase 1: The GHRT Quantitative Content Analysis (Trade Agr):

Quantitative analysis shows that 73% of the keywords do not appear in the texts of the agreements, 18% of the keywords appear but not with specific reference to the concepts of Gender and Human Rights, 7% are partly related to human rights (EU Association Agreement, USA-Jordan FTA, and Canada-Jordan FTA), and 1% to "Women" in the EU-Jordan Association Agreement.

Figure 41: The GHRT Quantitative Content Analysis (Trade Agr.)

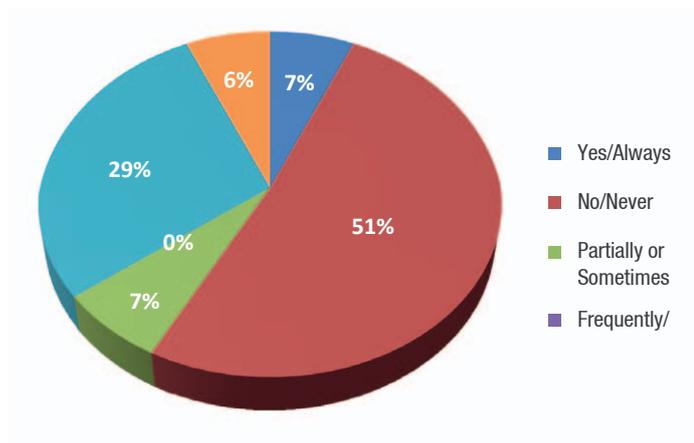


Phase 2: The GHRT Qualitative Content Analysis: The Checklist (Trade Agr.)

The results of the qualitative analysis indicate that 51% of the clauses of trade agreements are not Gender- and Human Rights-sensitive, 7% take into consideration the Human Rights dimension, and 7% partially take into consideration some aspects of Human Rights. The focus was on the methodology for developing human rights-based programmes.

There are no clauses in the agreements that take into consideration Gender and Human Rights or address Gender-based discrimination either in the background or at the level of analysis of results. There are no programmes or strategies that promote Gender mainstreaming or make reference to the CEDAW. There is no specific information on participation or empowerment. The category “Not Applicable” concerned a number of elements (steps, expected results from planning, program development, budgeting, monitoring and evaluation) in the trade agreements.

Figure 42: The GHRT Qualitative Content Analysis: The Checklist (Trade Agr)



The human rights perspective is integrated in a number of agreements such as the EU-Jordan Association Agreement, the USA-Jordan FTA, Canada-Jordan FTA either in the Preamble or in the first articles of the agreement, as part of the principles of human rights, tolerance and peace, with explicit reference to the Universal Declaration of Human Rights, or to strengthen commitment to internationally recognized labour principles and rights of labour, under the ILO Declaration. In the clauses of all the assessed trade agreements, there is no reference to Gender and Human Rights noting that the Preamble is not a binding part of the agreement.

Gender & Trade

The agreements make no mention of “women” except in the Chapter on “Cooperation in Social and Cultural Matters” in the EU-Jordan Association Agreement. Article 82 provides for the “consolidation of social cooperation”, and states that “priority shall be given to ... (c) the promotion of the role of women in social and economic development, particularly through education and the media, in line with Jordanian policy in this area,” as well as to the “(d)... development and consolidation of family planning and mother and child protection programmes”.

Through this article, the Association Agreement has, in fact, not only set limits on the “Jordanian policy in this area” but also reinforced traditional roles, using Gender norms, roles and stereotypes that promote, though inadvertently, Gender inequality. It cannot therefore, be assessed as “Gender-Sensitive”. On the other hand, discrimination is clear in the Egypt-Jordan FTA which refers to “businessmen” or at least denies the existence of “businesswomen”. Article 13 paragraph (b) provides for “facilitating businessmen’s visits to both countries”.

Phase 3 - The Gender Continuum (Trade Agr.)

Assessed using Tool 3 (Gender Continuum), all the assessed agreements are, at the analytical level, Gender-blind. None of them addresses Gender disparities. They cannot, however, be considered as Gender-negative. They are rather “Gender-neutral”.

Table 29 : The Gender Continuum (Trade Agr.)			
Key response & Score	Yes/ always	Partially/ Sometimes	No/ Never
	Y/A	P/S	N
Approach			
Analytical Framework			
Gender Blind	1	0	0
Gender Negative	1	0	0
Gender Neutral	1	0	0
Gender Sensitive	0	0	1
Programmatic Framework & Process			
Gender Informed	0	0	1
Gender Responsive	0	0	1
Gender Transformative	0	0	1

At the programmatic level, the agreements do not take Gender into consideration and are not “Gender-Responsive”. They do not seek to reduce Gender disparities and to promote Gender equality; nor do they monitor or assess the Gender impact. They do not involve the creation of a Gender-Sensitive environment through the choice of place and staff; nor do they address the development of programmes and contents that reflect the realities of women and girls’ lives and respond to strengths and challenges.

Phase 4: Fair Trade Principles Checklist (Trade Agr.)

Tool 4 was used to assess the extent to which the selected agreements are aligned with Fair Trade Principles. The World Fair Trade Organisation (WFTO) has set out ten principles to be observed by fair trade Organisations in their daily work and is monitoring compliance with these principles. Jordan is a member of the WFTO Regional Network for Africa and the Middle East.

Assessment shows that 60% of the agreements are aligned with one or more of these principles. “Fair trade practices”, “Promoting fair trade” and “Respect for the environment” are clearly referred to as fundamental principles in all the agreements.

The other principles are partly referred to in one or more of the agreements.

The agreements are aligned with Principle 6 “Commitment to Non-Discrimination, Gender Equality, Women Economic Empowerment and Freedom of Association” only regarding “freedom of association”. For instance, Article 6, paragraph 1, of the USA-Jordan FTA states that “the Parties reaffirm their obligations as members of the International Labour Organisation (“ILO”) and their commitments under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up”. Moreover, Article 6, paragraph 6 defines “labour laws” as “statutes and regulations... that are directly related to the following internationally recognized labour rights: (a) the right of association; (b) the right to organize and bargain collectively; (c) a prohibition on the use of any form of forced or compulsory labour; (d) a minimum age for the employment of children; and (e) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health”.

In the EFTA-Jordan FTA, almost all Fair Trade Principles are included, though partially for Principle 6 and not quite explicitly for Principle 5. The two parties reaffirmed, in the Preamble, “their commitment to the principles of the United Nations Charter, in particular pluralistic democracy based on the rule of law and political and economic freedoms and observance of human rights, including rights of persons belonging to minorities”, “their intention to participate actively in the process of economic integration in the Euro-Mediterranean region,” and their desire to “promote commercial and economic co-operation in areas of common interest on the basis of equality, mutual benefit, non-discrimination and international law”.

The Turkey-Jordan FTA refers to “capacity-building” in Articles 38 and 39. The Egypt-Jordan FTA partly refers to “transparency and accountability” in Article 20. The Agadir Agreement partly refers to “Creating Opportunities for Economically Disadvantaged Producers” in the Preamble, Article 2 and Article 15.

Figure 43: Fair Trade Principles Checklist (Trade Agr.)



2.2. The GAAA of policies and strategies

Phase 1: The GHRT Quantitative Content Analysis (Policies)

Analysis shows that 50% of the Gender and Human Rights keywords frequently appear in the “Jordan 2025: A National Vision and Strategy” document. The Jordanian National Committee for Women, the network of public-sector Gender officers, and women’s civil society Organisations in Jordan, were all involved in the preparation of this document. In the methodology for the preparation of the National Programme (item 11), it was stated that “Gender has been taken into account in all aspects of development. All draft strategies for sector-based development were submitted to the National Commission for Women, which in turn reviewed these drafts through experts provided to that end”.

Phase 2: The GHRT Qualitative Content Analysis: The Checklist (Policies)

Using Tool 2 (Qualitative Content Analysis), the Development Programme document can be said to be highly Gender-sensitive at all stages of its preparation: providing Gender-disaggregated data, Gender sensitivity, and recognition of the Gender gap. The methodology used in the preparation of this Programme and the related strategies was based on Gender and Human Rights mainstreaming. Budgets are allocated to curb Gender disparities. The document contains Gender-disaggregated indicators, and interventions are designed to directly produce achievements in terms of women’s human rights and Gender equality.

Phase 3: The Gender Continuum (Policies)

The Gender analytical framework in the “Vision 2025” and the “Development Programme” can be considered as “Gender-Sensitive”, in a number of vital sectors: education, health, labour, training and employment, and micro-projects. At the same time, other sectors, including trade, industry, energy, investment and competitiveness, are clearly “Gender-Neutral”.

The same holds true for the programmatic framework. In fact, the programmes take into account Gender issues, and seek to narrow Gender disparities by responding to Gender needs in order to achieve equality, and to monitor/evaluate the Gender impact. The programmes are partially “Gender-Responsive” in terms of budget allocation and programme/content development, which reflects an understanding of the reality of women’s and girls’ lives and responds to strengths and challenges.

Phase 4: The Fair Trade Principles Checklist (Tool 4)

With reference to the Fair Trade Principles (Tool 4), assessment shows that 70% of policies and plans take into account the principles of fair trade, while 30% do so partially.

3. Conclusions

National economic strategies and policies continue to focus, in many respects, on the issue of women's economic participation from the perspective of education, training and employment. Their focus is on planning in order to increase the proportion of self-employed women or women running their own small/micro businesses, through legal, legislative and credit facility initiatives. All indicators however, show that Jordan's competitiveness is declining.

All trade agreements and financial and economic policies are still unable, especially in the implementation phase, to cover all Gender aspects, to support them with national indicators, and to monitor and evaluate any implemented programmes or projects. There are no mechanisms that establish linkages between Gender and trade. The representation of women in chambers of commerce is almost nil. Yet, there were some significant initiatives implemented in Jordan in recent years, such as the Central Bank initiative (financial inclusion and women), the Gender-responsive budget program, and women's empowerment programmes included in the Executive Development Program 2016-2018, in addition to Jordan's adherence to the Sustainable Development Goals.

With its inclusive standards, the "King Abdullah II Award for Excellence" has played a significant role in developing the Organisations' vision in terms of equal opportunity policies, including Gender equality.

SECTION II-II.4. The GAAA in Lebanon

Lebanon has signed so far 54 bilateral Agreements for the Promotion and Protection of Investments with 50 countries to provide foreign investors with a legal framework whereby the most favorable setting is established.

1. The corpus

In this part, a series of documents are selected to form the corpus for the purpose of their GAAA:

1.1. The bilateral, regional and international agreements

Twelve trade agreements have been selected among the 54 Lebanon signed:

1. Free Trade Agreement with the European Union²⁹⁴,
2. The Trade and Investment Framework Agreement (TIFA) signed by the United States Trade Representative and the Lebanese Ministry of Economy and Trade December 2006²⁹⁵,
3. Euro-Mediterranean Agreement; establishing an Association between the European Community and its Member States, on one part, and the Republic of Lebanon, on the other²⁹⁶,
4. Free Trade Agreement between the European Free Trade Association/EFTA (The Republic of Iceland; the Principality of Liechtenstein, the Kingdom of Norway, the Swiss Confederation) and the Republic of Lebanon²⁹⁷,
5. Agreement between the Government of Canada and the Government of the Lebanese Republic for the Promotion and Protection of Investments²⁹⁸,
6. Agreement Between the Government of The Republic Of Armenia and the Government of The Lebanese Republic on The Promotion and Reciprocal Protection Of Investments²⁹⁹,
7. Agreement between the Lebanese Republic and the Republic of Austria on the Reciprocal Promotion and Protection of Investments³⁰⁰,
8. Agreement between the Kingdom of Bahrain and the Government of the Lebanese Republic for the Promotion and Protection of Investments³⁰¹,
9. Agreement between the Government of the Lebanese Republic and the Government of the Republic of Belarus on the Promotion and Reciprocal Protection of Investments³⁰²,
10. League of Arab States (1982), "Unified Agreement for the Investment of Arab Capital in the Arab States"³⁰³,
11. Agreement on Promotion, Protection and Guarantee Of Investments Among Member States Of The Organisation Of The Islamic Conference/OIC (1981)³⁰⁴,
12. Agreement to Facilitate and Develop Trade Among Arab States (1978) – League of Arab States, General Secretariat, General Department for Economic Affairs, Finance, Trade and Investment Department³⁰⁵.

294. <http://investmentpolicyhub.unctad.org/Download/TreatyFile/2637>

295. https://ustr.gov/sites/default/files/uploads/agreements/tifa/asset_upload_file256_10274.pdf

296. <http://ec.europa.eu/world/agreements/downloadFile.do?fullText=yes&treatyTransId=3121>

297. <http://www.efta.int/sites/default/files/documents/legal-texts/free-trade-relations/lebanon/EFTA-Lebanon%20Free%20Trade%20Agreement.pdf>

298. E101529 - CTS 1999 No. 15; <http://treaty-accord.gc.ca/text>

299. <http://investmentpolicyhub.unctad.org/Download/TreatyFile/139>

300. <http://investmentpolicyhub.unctad.org/Download/TreatyFile/198>

301. <http://investmentpolicyhub.unctad.org/Download/TreatyFile/255>

302. <http://investmentpolicyhub.unctad.org/Download/TreatyFile/308>

303. <http://investmentpolicyhub.unctad.org/Download/TreatyFile/2394>

304. <http://investmentpolicyhub.unctad.org/Download/TreatyFile/2399>

305. http://www.economy.gov.lb/public/uploads/files/3635_6707_7295.pdf

1.2. Policies, strategies and programmes

A number of strategies and plans related to Gender & Trade are also proposed for this GAAA exercise:

1. Lebanon SME Strategy, A Roadmap to 2020³⁰⁶,
2. Lebanon Industry 2025, the integrated vision for Lebanese Industrial Sector³⁰⁷,
3. Mol Operational Plans (2016 – 2020) of the Ministry of Industry³⁰⁸,
4. Ministry of Agriculture Strategy (2015 – 2019)³⁰⁹,
5. The United Nations Strategic Framework (UNSF) 2017 – 2020³¹⁰,
6. Lebanon Economic Vision 2017³¹¹,
7. Municipal Finance Studies Program, Final Strategic Framework³¹².

2. The GAAA results

Due to the nature of the documents to be reviewed (contractual, technical and planning/programming), the exercise is conducted as follows:

- Trade Agreements (2.1.): Tools 1 and 3
- Policies & Strategies (2.2.): all Tools 1, 2, 3 and 4.

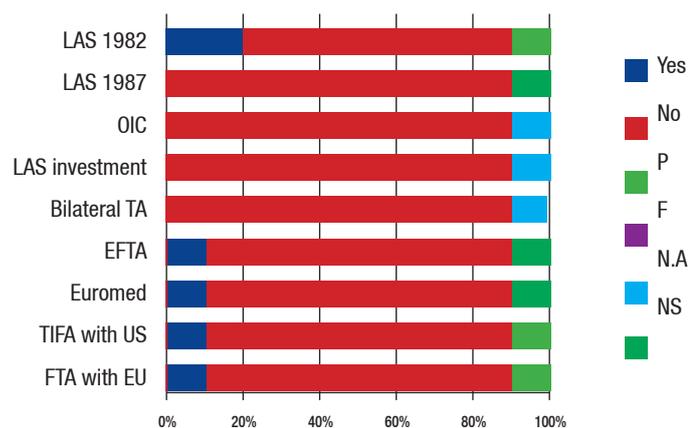
2.1. The GAAA of the Trade agreements

1st Phase: The GHRT Quantitative Content Analysis (Trade Agr.)

The quantitative content counting and analysis demonstrates a weak mainstreaming of gender and human rights concepts & principles as summed up in the herewith figure 44.

Some hereunder responses illustrate the Gender and Human Rights integration and its limits in the Trade agreements:

Figure 44: The GHRT tool (1) quantitative content analysis (Trade Agr.)



306. https://www.economy.gov.lb/public/uploads/files/6833_5879_4642.pdf

307. <http://www.industry.gov.lb/Arabic/Arabic/Documents/الدراسات%20والاصدارات/vision.pdf>

308. <http://www.industry.gov.lb/Pages/Publicationsandstudies.aspx>

309. <http://extwprlegs1.fao.org/docs/pdf/leb149670.pdf>

310. <https://reliefweb.int/sites/reliefweb.int/files/resources/UNSF%20Lebanon%202017-2020-034537.pdf>

311. <https://www.economy.gov.lb/media/11893/20181022-1228full-report-en.pdf>

312. <file:///Users/Apple/Downloads/StrategicFramework.pdf>

In the UE-Lebanon Trade Agreement, “no discrimination” is used twice but does not refer to gender or women and men: it is related for instance to “nationality (p.8) ...” conditions under which goods are procured (p.9). There is a reference to “equal treatment of women and men” as regard to “all aspects of mutual interest, and particularly on social problems such as unemployment, rehabilitation of the less able-bodied... labour relations, vocational training, safety and health at work (Chap 1, art 65, p.15). The words of women/female population/female are mentioned three times to promote their role “... in the economic and social development process, particularly through education and the media (p.15) and access “...to education, including technical and higher education, and vocational training...”. (Art. 43). The preamble of the agreement refers three times to Human Rights principles and norms particularly “...the United Nations Charter...” and “...the Universal Declaration on Human Rights...”. Preventing and fighting “Human Trafficking” and “exploitation for sexual purposes” is a concern for the agreement (p 14).

The USA-Lebanon Trade and Investment Framework Agreement/TIFA aim is to promote Lebanese economic development, create jobs, and further integrate Lebanon into the global economy. Hence, there is no mention of any of the main gender and human rights sensitive concepts, keywords and/or principles in the document.

Despite the commitments of the EU including with Lebanon³¹³ and of its bodies regarding human rights and democracy as well as commitments to gender equality including in trade³¹⁴, these principles and standards are not well translated in the Lebanon-Euro-Mediterranean Agreement which does not target any gender or women issues. Even if quoted several times the word “Abuse”, as in many other documents, does not refer to gender or human rights “... abuse by one or more undertakings of a dominant position in the territories (p.9) as it is the case for the Trade Agreement with the EFTA States which refers also to the United Nations Charter and the Universal Declaration of Human Rights”, Human Rights of minorities and equality but mainly for “promotion of commercial and economic co-operation and freedoms”, however, it falls short in committing to gender equality and women’s human rights.

In the Canada-Lebanon Trade Agreement, reference is made to “fair and equitable treatment” in accordance with principles of international law. “Equitable, non-discriminatory” and “good faith applications of its laws” (p.11-12) are mentioned, one time each, without clearly targeting women and men or Gender Equity and Equality. “Non-discrimination” --is mainly referred to contractual aspects (e.g. general dispossession, Expropriation, compensation...) and partners rights or relationships (Reciprocal Protection of Investments) such as in the Lebanon-Belarus Trade Agreement or the League of Arab States (1982), “Unified Agreement for the Investment of Arab Capital in the Arab States”.

The 1978 Lebanon-LAS Trade Agreement is a purely technical and hence has no mention to any social or gender related issues, or to Human Rights principles.

2nd Phase: The GHRT Qualitative Content Analysis: The Check List(Trade Agr.)

As above specified, all responses were assessed “N” due to the characteristics of the reviewed documents.

313. EEAS (Thursday, 12 May 2016), Lebanon and the EU: An overview of relations between Lebanon and the European Union – European External Action Service (EEAS)

314. Malin Björk, co-rapporteur of the draft resolution (with Eleonora Forenza) during the plenary.

3rd Phase: The Gender Continuum (Trade Agr.)

FTA EU 2006, TIFA, EURO-MED, EFTA, Bi-lateral investment treaties, Investment of Arab Capital, Arab States, were the 6 out of 12 trade agreements selected for the phase 3 and 4, the results were obvious from the first phase.

As above detailed (Phase 1 and 2), very few agreements referred, in limited cases, to concepts such as “human rights” and “women & men”, however even when carefully reviewed against the content of the corpus, the results are not significant enough to be categorised as such, even at the preliminary levels of the GRH sensitiveness. Therefore it is worth to consider that the Trade Agreements signed by Lebanon and its different partners are in the genderblind category. They are purely technical agreements that do not give any consideration to the social and human rights of labour in general, and certainly no consideration to gender related issues.

The findings to the application of the Gender Continuum as summed up in the herewith table:

Table 30 : The Gender Continuum Tool for the trade agreements (Trade Agr.)			
Key response & Score	Yes/ always	Partially/ Sometimes	No/ Never
	Y/A	P/S	N
Approach			
Analytical Framework			
Gender Blind	11	1	0
Gender Negative	0	0	12
Gender Neutral	12	0	0
Gender Sensitive	11	1	0
Programmatic Framework & Process			
Gender Informed	0	0	12
Gender Responsive	0	0	12
Gender Transformative	0	0	12

Even with regards to the agreement with the EU, there is practically no gender mainstreaming in the agreements signed with Lebanon. This does not come as a surprise, for it is revealed that despite the fact that the EU is committed to supporting gender equality, only 20% of current EU trade agreements mention women’s rights in their agreements in general, including the agreement signed with Lebanon. Hence, the commitment to empower women economically, as stated by the Members of the European Parliaments (MEP) that “.... All future EU trade agreements must include a dedicated gender chapter...”³¹⁵ is still not reflected in the signed agreement with Lebanon.

315. <http://www.europarl.europa.eu/news/en/press-room/20180312IPR99506/eu-trade-agreements-and-policy-should-help-promote-gender-equality-say-meps> - EU trade agreements and policy should help promote gender equality, say MEPs (13/3/2018)

4th Phase: The Fair Trade Principles Checklist (Trade Agr.)

Furthermore, in regards to the trade agreements that Lebanon has signed, the bilateral and FTAs, it is noticed that most are purely technical and have not taken the Fair Trade Principles into consideration.

Table 31: The Fair Trade Principles Tool for agreements (Trade Agr.)			
Key response & Score	Yes/ always	Partially/ Sometimes	No/ Never
	Y/A	P/S	N
Principles			
P1: Creating Opportunities for Economically Disadvantaged Producers	0		
P2: Transparency and Accountability		P	
P3: Fair Trading Practices	0		
P4: Fair Payment	0		
P5: Ensuring no Child Labour and Forced Labour	0		
P6: Commitment to Non Discrimination, GE WEE, and Freedom of Association	0		
P7: Ensuring Good Working Conditions	0		
P8: Providing Capacity Building		P	
P9: Promotion Fair Trade	0		
P10: Respect for the environment	0		

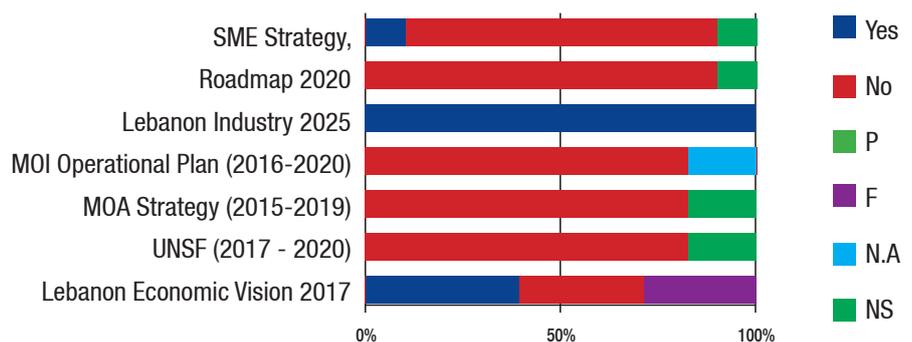
2.2. The GAAA of Policies and Strategies

The GAAA is also applied to plans, policies, strategies and programmes directly or indirectly related to Economic participation as well as to Trade and Equal access of women to the market at national, regional or international level. The sample of policies and strategies above-listed constitute the corpus for this part of the GAAA.

1st Phase: The GHRT Quantitative Content Analysis (Policies)

The summed-up results obtained in assessing the Gender & Human Rights sensitiveness and/or integration in the 7 selected national policies and strategies related directly or indirectly to Trade confirm what was already highlighted by those of the Trade agreements review.

Figure 45: The GHRT Quantitative Content Analysis (Policies)



The prevalence of the key response “No” could have been due to the nature of the documents as Not Applicable or Not Specified but not always, to only quote the Agriculture sector where women represent an important part of the labour force or some issues that become an area of interest in many labour places including in Lebanon to only quote non-discrimination (1 response) or sexual harassment (0 response).

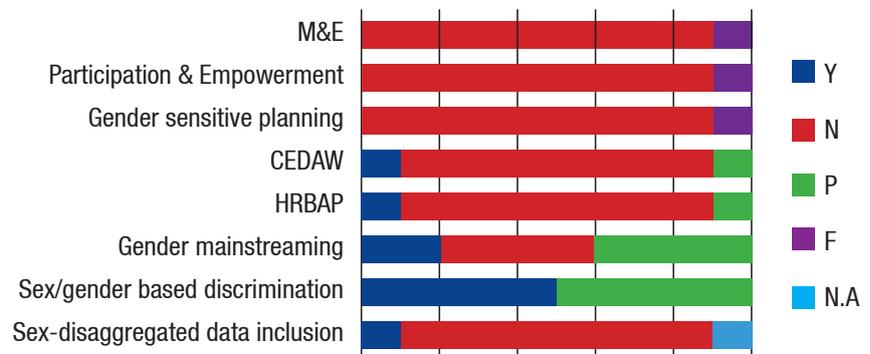
2nd Phase: The GHRT Qualitative Content Analysis: The Check List(Policies)

Due to the limited number of reviewed documents, the corpus is not reduced for this tool and the check list has been applied to the five documents that have been selected for the GHRT tool (1).

When applied, the check list covered all parts of each one of the five documents with the purpose of assessing each stage of the planning and/or policy making process, from situation analysis to Monitoring & Evaluation taking into account that for some categories in some audited documents as described in the hereunder table ..., no response was noted due to the nature of these documents themselves. Indeed in some documents, various of these stages were missing, to only quote as an example the MoI Operational Plans which consist mainly of a framework of interventions with no situation/context analysis or the Monitoring and evaluation system/plan.

Results were obvious from the first and second phase, that both the ‘Economic and Trade related Policies and Strategies as well as the ‘Trade Agreements – specifically – lack the integration of GHRT principles. They are considered, for most part as purely technical and therefore do not include any gender related issues or women’s empowerment principles.

Figure 46: The GHRT checklist tool, qualitative content analysis (Policies)



Usually descriptive answers are recommended to be used to facilitate the qualitative analysis and understanding, but the technical characteristics of some reviewed documents made the exercise somewhat arduous, even if it could not be considered as the only justification. Indeed, some questions are very clear, and a clear response is supposed to be expected such as for instance “Is there a special chapter on women and gender equality?” noting that a special chapter in the gender mainstreaming approach and since Beijing, is supposed to address the special aspects related to women dis-empowerment, obstacles and gaps and consequently proposed affirmative actions or positive discrimination measures.

According to the results, 1 “No” and 2 “Yes” are recorded. The 2 “P” correspond to one short paragraph in a document when the other refers to women empowerment and gender equality as goals. As per the seven strategies that were analysed, it could be concluded that only two strategies (SME Strategy Roadman 2020 and UNSF 2017-2020) are gender sensitive as they clearly refer to women’s needs and promote gender equality.

Gender & Trade

No differential human resources, gender-based analysis was found in any of the reviewed documents and therefore none of them includes sex-disaggregated data, gender gaps and/or related indicators. As a matter of fact, most of the reviewed documents did not plan any intervention to integrate women into the Industrial sectors (e.g. Lebanon Industry 2025, Mol Operational Plans) or the others.

The Ministry of Agriculture (MoA) Strategy 2015-2019 does not provide a specific intervention or section for Rural Women's affairs or gender issues despite the existing NOWARA unit in charge of women and gender policies. Indeed, the role of the unit merely responds to meeting gender practical needs and preserving the role of women, not challenging their position in the society. It does however indicate, in the Social Dimension context, that the number of female farmer's holders is only 8.6% (P.13). Furthermore, there are no specific interventions in the strategy, targeting women but are rather grouped together with the interventions provided for youth (P.14). There is no reference either to the percentage of unemployed women in the agriculture sector or to those working in the agriculture informal sector.

3rd Phase: The Gender Continuum Tool (Policies)

The Gender Continuum applied to the selected policies, plans and strategy confirm the previous findings either those concerning the Trade agreements or the quantitative and qualitative content analysis (Tool 1 & Tool 2) being almost gender-blind at both analytical and programmatic levels.

Table 33 : The Gender Continuum Tool (Policies)			
Key response & Score	Yes/ always	Partially/ Sometimes	No/ Never
	Y/A	P/S	N
Approach			
Analytical Framework			
Gender Blind	1	1	5
Gender Negative	1	0	6
Gender Neutral	3	3	1
Gender Sensitive	0	1	6
Programmatic Framework & Process			
Gender informed	0	1	6
Gender Responsive	0	1	6
Gender Transformative	0	1	6

Women and gender concerns are not considered enough or mainstreamed as highlighted in the previous analysis findings, as they should, not only because these sectors (SMEs, Industry, and Agriculture) provide employment for a considerable number of women but also because Lebanon is well advanced in terms of women and gender strategies, even if related indicators remain low.

None of the Ministries have succeeded in addressing gender in both analytical and programmatic frameworks and process. The MoET SME Strategy (Lebanon roadmap to 2020) is the closest to addressing gender concerns, and therefore can be considered as partially “Gender responsive”, as it takes into consideration, and aims to address the challenges that women face in economic participation by... Establishing Women-Friendly Business Environment, and... Supporting the development of women-led businesses through dedicated and supportive policies and incentives, specialized training, women-to-women support networks and mentors, and backing of private sector initiatives and donors... On the other hand, both the Lebanon Industry vision 2025 and the MOI Operational Plan (2016-2020) can be categorised as ‘gender blind’. Both the ‘Lebanon Industry 2025’ and the ‘MOI Operational Plan 2016 – 2020’ are ‘Gender Neutral’ documents, since they are mostly technical and do not take any of the GHRT related issues into consideration. The ‘MOA Strategy 2015 – 2019’ and the ‘Lebanon Economic Vision (LEV) 2017’ are ‘Gender Blind documents’. Both refer to rural development however, they do not include rural women as a target group. In fact, the LEV only refers to ‘youth’ and ‘farmers’ empowerment’.

The “Municipal Finance Strategic Framework” is a “Gender Negative” document since it contains gender insensitive language, stating ‘his’ and ‘him’ when referring to senior posts.

As found in this exercise and confirmed by the International Trade Center, the main Trade and Development Strategies in Lebanon are the “UNDAF Lebanon” and the “Recovery, Reconstruction and Reform”³¹⁶ Reports.

4th Phase: The Fair Trade Principles Checklist (Trade Agr.)

Given the results of the GAAA exercise applied to both trade agreements and policies/strategies particularly as regard to the poorness not to say the inexistence of Gender and Human Rights integration, at all stages of planning process and various programmes and activities, it was considered unnecessary to apply the Fair Trade Principles Check list. However, since the Fair Trade Lebanon (FTL) organisation exists in Lebanon it was decided to seize this opportunity to highlight the importance of having such organisations as a potential actor of change, particularly since it endorsed the WFTO principles which are GHRT sensitive.

Fair Trade Lebanon (FTL) is a Non-Governmental Organisation (NGO) created in 2006. The choice of Fair Trade was based on the desire to create export opportunities for the traditional small producers and food processing cooperatives living in these areas and which includes women. The NGO has the dual aim of improving the living conditions of rural populations as well as developing foreign exchanges related to Fair Trade in Lebanon.³¹⁷

316. <http://www.intracen.org/layouts/CountryTemplate.aspx?pageid=47244645034&id=47244652198>

317. <https://www.fairtradelebanon.org/en/about-us/story>

In September 2010, Fair Trade Lebanon (FTL) became the only Lebanese organisation to have taken action to enter the international Fair Trade networks by joining the World Fair Trade Organisation (WFTO). As a platform for the World Federation of Trading Houses Associations/WFTA, the FTL is hence committed to most principles that WFTO prescribed, especially for women as detailed in the Lebanon Gender & Trade Report.

3. Conclusions

The 54 treaties, signed by Lebanon, provide a fair and equitable treatment on a non-discriminatory basis, and a full protection and security of foreign investments in both countries. However, there is no mention of gender equality or Human rights binding in any of the treaties³¹⁸.

The situation analysis and the GAAA exercises utilising various frameworks and tools applied to various documents and material supported by Human and Development indicators in turn, confirmed by various national, regional and international sources, reached the same conclusions: except the gender and women focused documents, initiatives and mechanisms, none of the National Laws, Trade agreements, economic & trade policies and strategies in Lebanon can be categorised as Gender Sensitive. In fact, they are more gender blind, as they fail to identify and acknowledge gender-based differences and gaps and consequently plan any intervention to address them towards gender equality achievement.

Hence, a more in-depth review is recommended to refine de the GHR of the Economy and Trade related policies and strategies develop their workplans, and related monitoring & evaluation and mainstream a more gender and Human Rights sensitive approach to the benefit of Lebanese women and men, and the economy and trade. This includes first, sectorising the national gender and women strategies & initiatives and second, aligning them with the international standards and conventions ratified by Lebanon, especially those aiming achievement of gender equality in decision making and equal participation in all walks of life, including ILO Conventions, CEDAW and The Fair Trade Principles.

318. <http://www.finance.gov.lb/en-us/Finance/IA/IPA/>

SECTION II-II.5. The GAAA in Morocco

In Morocco, as in the other countries under review, the GAAA has been applied to two types of documents: the Trade agreements concluded by Morocco in relation to market's access; and the plans, policies, strategies and programmes that are directly or indirectly connected to Trade and women's equal access to national, regional or international markets.

1. The corpus

1.1. Bilateral, regional and international agreements

- Euro-Mediterranean Agreement between the European Communities and Morocco;
- USA-Morocco Free Trade Agreement;
- Turkey-Morocco Free Trade Agreement;
- Free Trade Agreement between the EFTA States and the Kingdom of Morocco;
- Arab Mediterranean Free Trade Agreement (Agadir Declaration);
- Agreement on the Global System of Trade Preferences (GSTP).

1.2. Plans, policies, strategies and programmes

The corpus is composed of three key references:

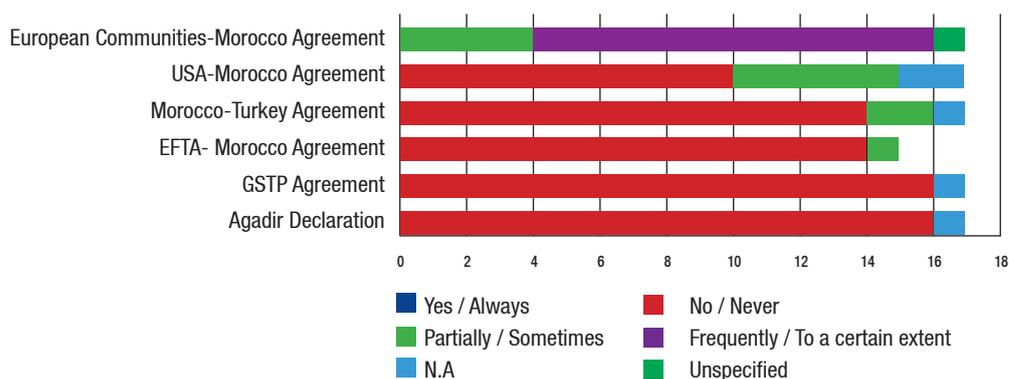
- The RAWAJ Program Vision 2020;
- The National Sustainable Development Strategy 2030;
- The National Employment Strategy.

2. The GAAA of the Trade Agreements

1st Phase: The GHRT Quantitative Content Analysis (Trade Agr.)

The quantitative analysis of trade agreements generally reveals a lack of adequate consideration of a dimension associating Gender and Trade.

Figure 47: The GHRT Quantitative Content Analysis (Trade Agr.)



One of the objectives of the “Arab Mediterranean Free Trade Agreement”, known as the “Agadir Agreement”, is to improve living conditions in the member countries. This objective however, is not sufficiently detailed to include reference to Gender and Human Rights principles, though a Gender workplan has been developed (SIDA, 2017). The Agadir Technical Unit (ATU) has set up a Gender Unit and established a Gender policy document entitled: “Policy Statement on Mainstreaming Gender in the Agadir Agreement”, along with and a three-year plan of action.

Lack of consideration of Gender and Human Rights in the free-trade agreement similarly characterizes the Global System of Trade Preferences among Developing Countries to which Morocco belongs. Human rights, particularly the right to work, are implicitly referred to (“promoting employment”) as part of the general objectives of the agreements. The same holds true for the EFTA-Morocco agreement which aims to “...improve living and employment conditions”. The word “discrimination” is used in the agreement, but with no specific reference to Gender (Article 1, paragraph 2).

These purely technical agreements focus primarily on the economic development of member countries. The words “non-discrimination” and “Gender” are referred to twice in the Turkey-Morocco Agreement, followed by the word “equality”, but without associating it with Gender or Human Rights. Elsewhere in the document, “discrimination”, “abuse” and “parity” are used with reference to employment and occupation or trade.

The United States-Morocco Free Trade Agreement refers to “business person”. It states, in article 2.5, that “Each Party shall grant duty-free temporary admission for professional equipment ... necessary for carrying out the business activity, trade, or profession of a business person...”. A “business person” can either be a businessman or businesswoman. As for the Euro-Mediterranean Agreement between the European Communities and Morocco, it provides, in its Preamble, for respect for “human rights” (used 3 times).

The EU-Morocco Free-Trade Agreement is the only agreement to devote a chapter to social cooperation actions. Although the word “women” is mentioned only once, the promotion of women’s role in the socio-economic development process is considered a priority action in the agreement. Moreover, the word “equality” is used twice, but refers only to the equal treatment of nationals.

Phase 2: The GHRT Qualitative Content Analysis: The Checklist (Trade Agr.)

The qualitative analysis was based on the examination of a smaller sample of three free-trade agreements concluded by Morocco, namely: the Turkey-Morocco Free Trade Agreement; the USA-Morocco Free Trade Agreement and the Euro-Mediterranean Agreement between the European Communities and Morocco.

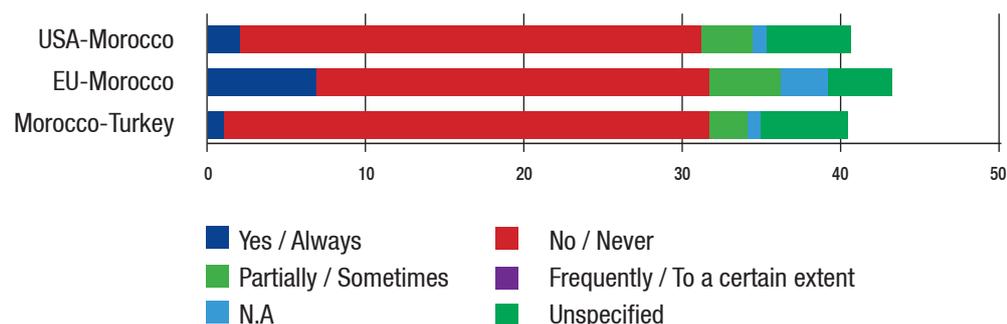
Given its predominantly commercial nature, the Turkey-Morocco Free Trade Agreement is mainly targeted at importers/exporters with no Gender distinction. The agreement refers to “rights” in its preamble: “thus creating a framework and supportive environment based on equality, non-discrimination, and a balance of rights and obligations”.

The USA-Morocco Free Trade Agreement uses Gender-sensitive language as it states in Article 2.5 that “... or profession of a business person...”. The agreement also makes reference to national laws and ratified treaties, especially those related to economic and commercial aspects (the Marrakesh Agreement).

Gender & Trade

The Euro-Mediterranean Agreement between the European Communities and Morocco refers to “discrimination based on nationality” (Article 64). It also refers to women beyond their role as mothers, stating that “priority will be afforded to ... promoting the role of women in the economic and social development process through education..”. (Article 71). The results are illustrated as follows:

Figure 48: The GHRT Qualitative Content Analysis: The Checklist (Trade Agr.)



Phase 3: The Gender Continuum (Tool 3)

Analysis of the three trade agreements shows that only the EU-Morocco Agreement is “Gender-sensitive” and “Gender-informed, -responsive and -transformative”. The agreement addresses the norms, roles, and access to resources as necessary to achieve the objectives of the trade agreement between the two countries. On the other hand, it seeks to curb gender disparities and promote women’s empowerment.

The United States-Morocco Trade Agreement is “Gender-neutral” as the Gender norms, roles and relations are not influenced. As for the Turkey-Morocco Agreement, it is “Gender-blind” as it makes no distinction based on sex or Gender difference. The results of Tool 3 are shown in the table below.

Table 34 : The Gender Continuum (Trade Agr.)			
Key response & Score	Yes/ always	Partially/ Sometimes	No/ Never
	Y/A	P/S	N
Approach			
Analytical Framework			
Gender Blind	2	1	3
Gender Negative	0	0	3
Gender Neutral	1	0	2
Gender Sensitive	1	0	2
Programmatic Framework & Process			
Gender Informed	0	1	2
Gender Responsive	0	1	2
Gender Transformative	0	1	2

Phase4:The Fair Trade Principles Checklist (Tool 4)

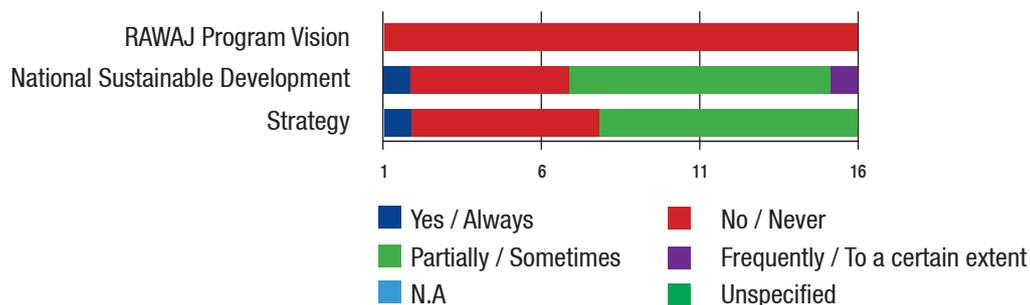
Assessment of the extent to which the selected trade agreements are aligned with Fair Trade Principles shows that none of the agreements makes reference to Principle 1 on “Creating Opportunities for Economically Disadvantaged Producers” and Principle 9 on “Promoting fair trade”. Only the EU-Morocco Agreement implicitly makes reference to Principle 6 concerning the “Women’s Empowerment” component. The Turkey-Morocco Agreement makes no reference to Principle 10 on “Respect for the environment”.

2.2. The GAAA of Economic policies, strategies and programmes

Phase 1 - The GHRT Quantitative Content Analysis (Policies)

The quantitative analysis of programmes and strategies indicates that the dimension associating Gender and Trade is directly and/or indirectly taken into consideration by two strategies, but not by the commercial development plan (RAWAJ Vision Program).

Figure 48: The GHRT Quantitative Content Analysis (Policies)

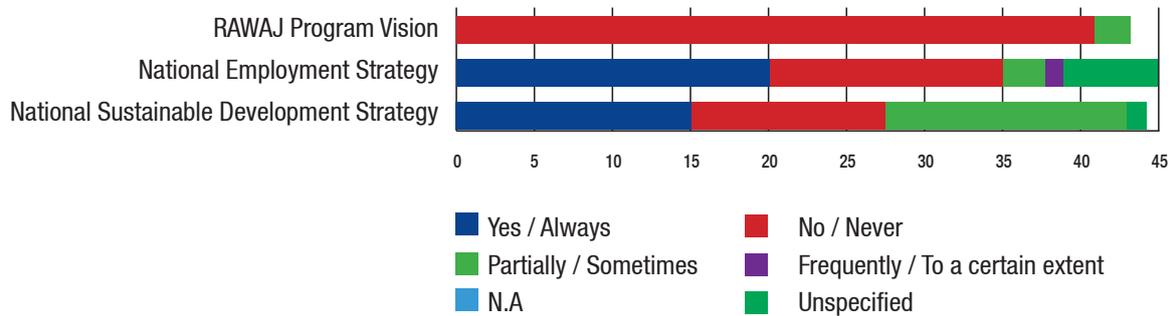


Women’s empowerment is one of the components of the National Sustainable Development Strategy: “Promoting human development and reducing social and territorial inequalities” (Strategic Thrust 3, Challenges 2). On the other hand, promoting the right to work for women is one of the pillars of the National Employment Strategy, which attaches great importance to equal opportunities and the integration of Moroccan women into working life.

Phase 2: The GHRT Qualitative Content Analysis: The Check List (Policies)

The qualitative analysis of the GHRT-related content in programmes and strategies shows that the “RAWAJ Vision Program” does not associate Gender and Trade dimensions, whereas the two strategies consider Gender as one of their components. The Figure below provides illustration:

Figure 49: The GHRT Qualitative Content Analysis: The Checklist (Policies)



The “RAWAJ Program” makes no reference to Gender-based-discrimination and to human rights or their principles. The National Sustainable Development Strategy uses sex-disaggregated language and provides information on the rights of girls and women and on Gender equality “significant inequalities (that) still persist between rural and urban areas, and between men and women” (p.42). The strategy considers Gender-based-discrimination as a problem and the reduction of gender disparities as one of its major concerns. Gender mainstreaming is a key component of the strategy based on the principles of equity and empowerment.

The Constitution is a reference for the strategy “... which enshrines sustainable development as a right for every citizen (p.20)”. It also refers to Human Rights norms and principles (equality, participation, inclusion). Monitoring tools are developed (137 indicators/137 objectives) to assess the country’s commitments and the differential impact of sustainable development on women and men, and on the achievement of Gender equality as well as of women’s human rights.

The National Employment Strategy rests on the values of Gender equality and parity. It is therefore, designed to address Gender inequalities by enhancing the competitive and industrial potential, a key factor to promote women’s inclusion in employment and to boost their employability. The Strategy seeks to facilitate job search for unemployed women and to combat Gender-based-discrimination as part of Corporate Social Responsibility. To this end, and to enable the collection of data necessary for Gender mainstreaming and the integration of Human Rights-based approaches, the Strategy has established the Labour Market Observatory, with the mission of monitoring labour market dynamics and assessing Gender mainstreaming in employment policies. The strategy refers also to the Human Rights-Based Approach to Programming (HRBAP) quoting the Human Rights norms and principles, such as equality, non-discrimination, participation and inclusion. It thus strengthens the country’s commitments, particularly those mentioned in the Constitution, to advance Gender equality, women’s human rights, and women’s empowerment through employment.

Phase 3 - The Gender Continuum (Policies)

The examination of the analytical and programmatic framework of programmes and strategies indicates that the “RAWAJ Program” is “Gender-neutral” and “Gender-blind”. Indeed, the word “merchant” is used in the Program without making reference to Gender differences. The Program is designed to “encourage merchants to adhere to this modernization plan ... which aims to improve the living standard of merchants and to work towards the adoption of formal taxation schemes for small traders..”.

Gender & Trade

The National Sustainable Development Strategy is “Gender-sensitive”, as its Strategic Thrust 3 aims at “eliminating poverty and achieving Gender equality, women’s empowerment and human development”. As for the National Employment Strategy, it can be assessed as “Gender-sensitive and Gender-responsive”, since it considers women’s empowerment and involvement in working life as necessary for the achievement of its objectives.

The results of the Gender audit are shown in the table below.

Table 35 : The Gender Continuum (Policies)			
Key response & Score	Yes/ always	Partially/ Sometimes	No/ Never
	Y/A	P/S	N
Approach			
Analytical Framework			
Gender Blind	1	0	2
Gender Negative	0	0	3
Gender Neutral	1	0	2
Gender Sensitive	2	0	1
Programmatic Framework & Process			
Gender Informed	2	0	1
Gender Responsive	1	1	1
Gender Transformative	1	1	1

Phase 4 - Fair Trade Principles Checklist (Tool 4)

In terms of fair trade, all the assessed strategies involve, directly or indirectly, the 10 Fair Trade Principles.

SECTION II-II.6. The GAAA in Tunisia

This section focuses on the auditing of a number of bilateral and multilateral trade agreements ratified by Tunisia, as well as some of the main relevant programmes, economic policies and strategies.

1. The corpus

To that end, nine (9) documents were selected: Six (6) trade agreements and three (3) public policy/program documents.

1.1. Bilateral, regional and international Trade agreements

- EU-Tunisia Association Agreement³¹⁹,
- Turkey Tunisia Free Trade Agreement³²⁰,
- EFTA-Tunisia Free-Trade Agreement³²¹,
- Arab Mediterranean Free Trade Agreement (Agadir Declaration)³²²,
- COMESA Treaty (Common Market for Eastern and Southern Africa)³²³,
- Agreement setting up a Free Trade Area between Tunisia and Morocco³²⁴.

1.2. Policies, strategies and programmes

- Five-year development plans (2016-2020)³²⁵;
- Plan of Major Reforms³²⁶;
- Export Development Project (PDEIII)³²⁷.

The assessed/audited documents include 571 pages for the selected agreements (142750 words) and 395 pages for the selected policies (98750 words). The whole set of documents (agreements, plans and programmes) include 966 pages (241500 words).

2. The results of the GAAA

2.1. The GAAA of Trade Agreements

Phase 1: The GHRT Quantitative Content Analysis (Trade Agr.)

As might be expected, the quantitative and qualitative analysis reveals an almost complete lack of consideration for a dimension associating Gender and Trade in most of the trade agreements, with no reference to Human Rights, including the CEDAW.

319. <http://www.commerce.gov.tn/Fr/image.php?id=338>.

320. http://www.exportateur.tn/wp-content/uploads/2013/10/accord_tunisie-turquie.pdf.

321. <http://www.exportateur.tn/wp-content/uploads/2013/10/texte-accord-tun-aele1.pdf>.

322. <http://www.exportateur.tn/wp-content/uploads/2013/10/MicrosoftWordAgadir.pdf>.

323. <http://www.comesa.int/wp-content/uploads/2016/06/Traite-du-COMESA.pdf>.

324. <http://www.exportateur.tn/wp-content/uploads/2013/10/accordLibreEchangeTunisieMaroc.pdf>.

325. http://www.mdici.gov.tn/wp-content/uploads/2017/06/Volume_Global.pdf.

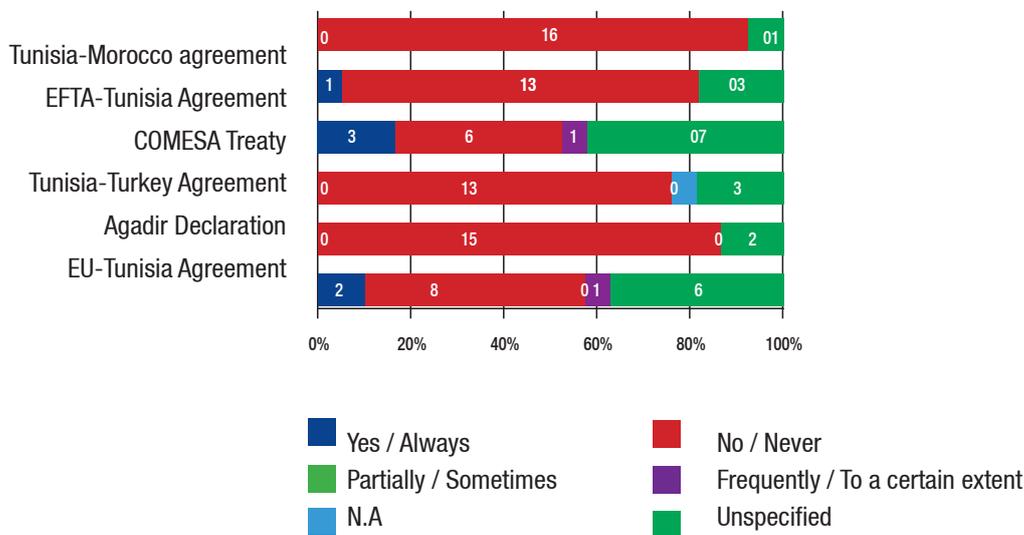
326. [http://www.leaders.com.tn/uploads/FCK_files/Programme%20National%20des%20R%C3%A9formes%20Majeures%20Les%20propositions%20du%20CAE%20\(version%20provisoire\).pdf](http://www.leaders.com.tn/uploads/FCK_files/Programme%20National%20des%20R%C3%A9formes%20Majeures%20Les%20propositions%20du%20CAE%20(version%20provisoire).pdf).

327. http://www.commerce.gov.tn/Fr/3eme-projet-de-developpement-des-exportations-pde-iii_11_364.

Gender & Trade

The 17 selected keywords were used 103 times in the 98750 words of the corpus. Most of the words mentioned in the texts of the agreements do not make reference to Gender or are used without being directly linked to Gender and Human Rights concepts. In the six (6) agreements, the “No/Never” answer for the words “men”, “gender”, “parity”, “gaps/disparities” and “right to work” represents 66.6% of the total number of responses per document, with 83.3% for the words “non-discrimination”, “empowerment”, and “sexual harassment”. The Figure below shows the results of the GAAA using Tool 1:

Figure 50: The GHRT Quantitative Content Analysis (Trade Agr.)



The assessment reveals that “No/Never” was the most frequent answer in most of the agreements. For instance, in the Tunisia-Turkey FTA and the Tunisia-Morocco FTA, there are, respectively, 13 and 16 “No/Never” answers, out of 17 expected answers (76.4% and 94.1% respectively). The “Unspecified” answer is also of significance in the final result. This means that the keywords are used in a sense that is not directly linked to Gender concepts and specificities. For example, the word “discrimination” which appears in several agreements is used with reference to the rules dictated by the international trade system, and relates to discrimination between countries, between domestic and imported products, and between partners when applying protective/safeguard measures for emergent industries.

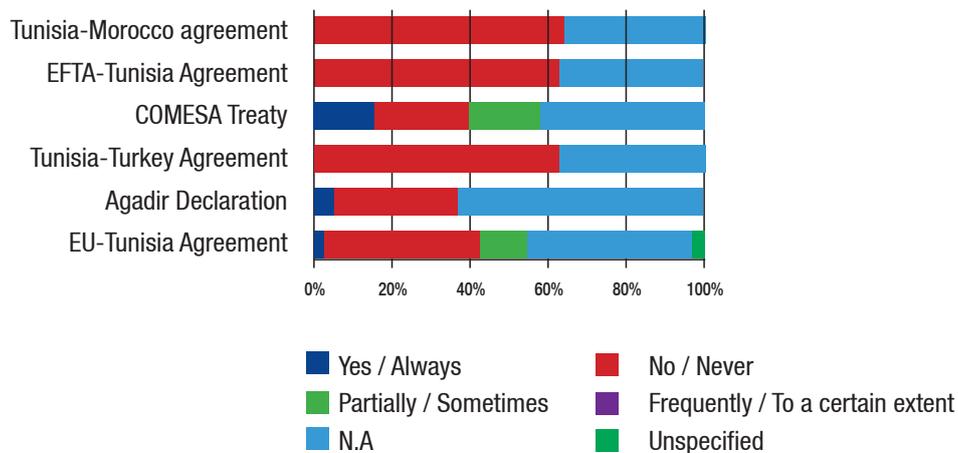
The “Unspecified” answer also applies to the word “equality”, used not with reference to Gender but rather to the equal treatment of nationals of both parties (EU-Tunisia Agreement). It is also used as a principle for the development of economic and trade relations, based on equality and common interest (Tunisia-EU agreements and COMESA Treaty).

Tariff agreements, like most of the assessed agreements, are essentially aimed at reaching the level of economic integration sought by both partners and are not necessarily or directly concerned with social cooperation or Gender issues.

Phase 2: The GHRT Qualitative Content Analysis: The Checklist (Tool 2)

The qualitative content analysis aims to objectively assess whether specific measures or actions are designed to reduce Gender disparities and address Gender needs. As shown through the Figure 51 below, for all the selected trade agreements, and out of 264 expected answers, the “No/Never” answer appears 126 times (i.e. 47.7%) and the “Not Applicable” answer 116 times (43.9%), compared to 9 times only (3.4%) for the “Yes/Always” answer.

Figure 51: The GHRT Qualitative Content Analysis: The Checklist (Trade Agr.)



This result is expected, as most of the categories and/or sub-categories do not apply to the content/provisions of the agreements which are mostly focused on tariff measures and commercial provisions (e.g. Agadir Declaration); hence the predominance of the “Not Applicable” answer.

“Human Rights” --more particularly the UDHR-- are clearly referred to in a number of agreements. The principle of equality and mutual benefit is stipulated in the agreements signed with the countries of the European zone (EU, EFTA and Turkey). The Preamble to the EU-Tunisia Association Agreement stresses “the importance which the Parties attach to the principles of the United Nations Charter/UNC, particularly the observance of human rights and political and economic freedom, which form the very basis of the Association”.

“Women” are mentioned only in the EU-Tunisia Association Agreement (twice) and in the COMESA Treaty (24 times). Among the actions to be undertaken in the field of social cooperation, the Association Agreement provides, in Article 71, for “promoting the role of women in the economic and social development process”. This involves empowering them in the economic and commercial fields, but without putting in question the established Gender roles, responsibilities and relations. Promoting women’s economic role is not expressly spelled out in the body of the text, which would obviously have a long-term impact on women’s ability to take their lives into their own hands and to act collectively in defense of their cause.

The COMESA Treaty does not use sex-disaggregated statistics, though it seeks to promote the harmonization of information systems among members.

Phase 3: The Gender Continuum (Trade Agr.)

After being analysed using Tool 1 and Tool 2, the analytical and programmatic levels and process of the selected trade agreements were assessed.

Table 36 : The Gender Continuum (Trade Agr.)			
Key response & Score	Yes/ always	Partially/ Sometimes	No/ Never
	Y/A	P/S	N
Approach			
Analytical Framework			
Gender Blind	4	1	0
Gender Negative	0	0	0
Gender Neutral	0	3	0
Gender Sensitive	0	0	0
The Programmatic Framework & Process			
Gender informed	0	2	0
Gender Responsive	0	0	0
Gender Transformative	0	0	0

The Turkey-Tunisia agreement and the AGADIR agreement are “Gender-blind”, as they fail to give any consideration to Gender issues.

The COMESA Treaty is “Gender-blind” and partly “Gender-neutral”, as it refers to harmonisation of statistical systems and cooperation in the field of data processing, even with no specific reference to Gender. It does not refer to the “economic empowerment of women” or to their role in the body of the text but refers to the “effective integration ... of women at all levels of development” in Chapter XXIV entitled: “Women in Development and Business”.

The COMESA Treaty and the EU-Tunisia Association Agreement are partially “Gender-blind”, and “Gender-neutral” in their analytical part. The COMESA Treaty is partially “Gender-informed” in its programmatic part & process. It uses Gender-disaggregated language (men/women) and considers that women have an economic role that goes beyond their role as mothers, to become producers, entrepreneurs and participants in the decision-making process; hence the need to expand their opportunities and their access to resources and skills.

As stated previously, the EU-Tunisia Agreement provides, in Article 71, for “promoting the role of women in the economic and social development process ... and developing family planning and mother and child protection programmes”. It also refers, in Article 65, to “social security”, including “sickness and maternity benefits”. This places the agreement at a “partially neutral” in its analytical part, and at a “partially informed” level in its programmatic part. It is “Gender-blind” as regards its provisions relating to “workers” (Article 64) since only nationality is considered as a criterion of non-discrimination for working conditions, remuneration and dismissal.

Phase 4: Fair Trade Principles Checklist (Tool 4)

Only the COMESA Treaty is aligned with Principle 6 on “Commitment to Non-Discrimination, Gender Equity and Women’s Economic Empowerment, and Freedom of Association”.

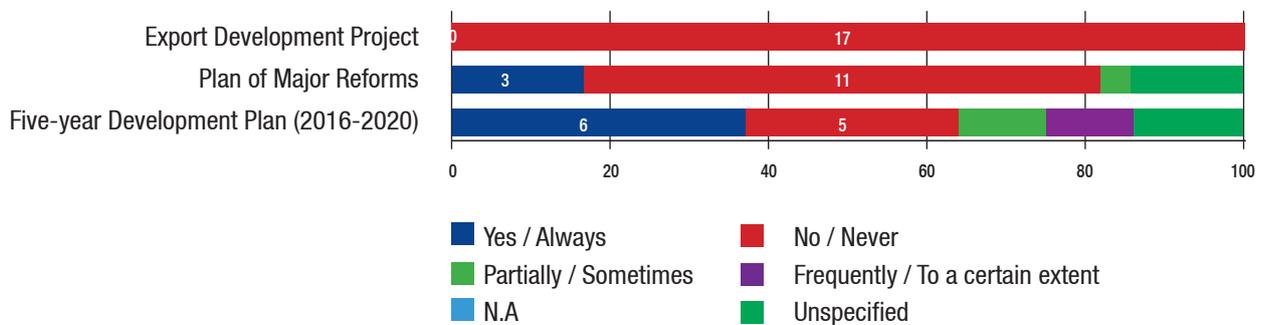
2.2. GAAA of policies, strategies and programmes

Phase 1: The GHRT Quantitative Content Analysis (Policies)

As part of the quantitative content analysis, other expressions have been introduced, particularly in public policy documents, such as “positive discrimination”, in order to assess whether the state’s policy, in its social component, provides specific benefits to vulnerable groups to quote rural women as an example, which could determine public policy choices with regard to certain GHR issues.

The quantitative analysis of the selected documents produced a set of findings, shown in the Figure 52 below:

Figure 52: The GHRT Quantitative Content Analysis (Policies)



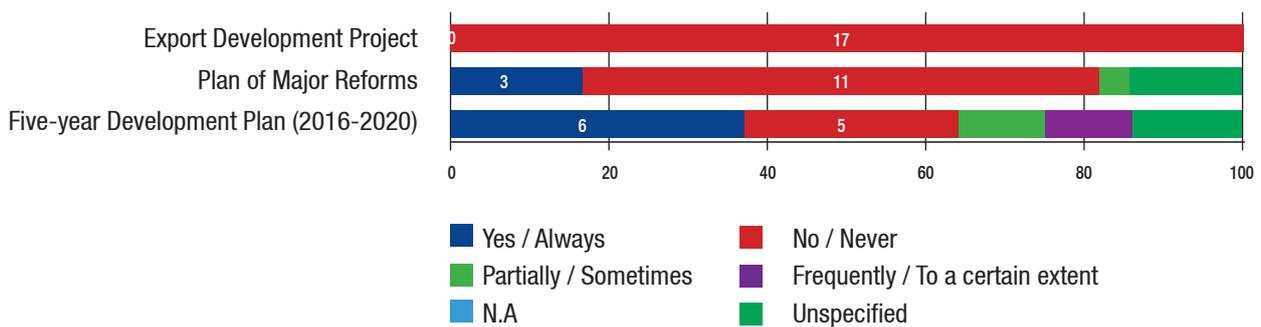
The Development Plan (Social Pact and application of the “positive discrimination” principle): Emphasis is laid on the social contract which involves five main focus areas, namely: economic growth and regional development; employment and vocational training policies; labour relations and decent work; social protection; and Institutionalisation of social dialogue. The Plan makes explicit reference to “Human Rights”, with respect to the principle of balanced development, as well as to the Social Pact. A significant part of the Plan is devoted to women’s rights and economic empowerment as well as to the principle of Gender equality. The qualitative analysis of the GHRT content indicates that out of 44 expected responses, the “Yes / always” answer appears 8 times, which means that 18% of the responses indicate a concern for Gender, whereas over 54% of the responses are of the type “Frequently/to a certain extent”.

The Plan of Major Reforms is essentially designed to restore the country’s potential for growth. It grants an indispensable role to the State in promoting integration, employment, and equal opportunities, guaranteeing social justice, and addressing inequalities, not in terms of Gender, but rather in terms of regional development. Figure 52 clearly shows that the Plan is less explicit when it comes to Gender inequality issues. With regard to the Export Development Project (partnership between the Tunisian State and the World Bank), Tool 1 was inconclusive.

Phase 2: The GHRT Qualitative Content Analysis: The Checklist (Policies)

The herewith findings of the qualitative analysis show that the most frequent answer, regarding the Plan of Major Reforms and especially the Export Development Project, was “No/Never”. As for the Development Plan, “Frequently” was the predominant response.

Figure 53: The GHRT Qualitative Content Analysis: The Checklist (Policies)



For the Export Development Project, the “No/Never” answer appears 31 times out of 44 expected answers (i.e. 70.4%). However, in spite of this score, the Ministry of Commerce, through its support structure, CEPEX, clearly includes the Gender dimension in its calls for applications and Terms of Reference posted online. The following example provides illustration: “Selection and hiring of a consultant [un consultant (in French)] specialized in procurement ... The use of the masculine is generic and for convenience only and applies to both men and women”.

Box 22

Interviews with Ministry of Commerce officials revealed that good practices are being extended to the process of selecting candidates for projects supervised and financed by the Ministry and by donor partners. A quota is allocated to women in order to support their activities and promote their presence in the market. These practices are partly the result of recommendations made by foreign donors who adopt, in their programmes and projects, a Human Rights and Gender-based approaches.

Phase 3: The Gender Continuum (Policies)

As assessed, audited and analysed under Tools 1 and 2, the Development Plan addresses, to a certain extent, Gender equality issues. It is partially “Gender-neutral” and partly “Gender-sensitive” in its analytical part, and partially “Gender-informed” and “Gender-responsive” in its programmatic part.

Reference to “equality” in the Plan of Major Reforms reflects a public policy whose priority is to combat regional inequalities in Tunisia but does not give any particular consideration to Gender inequality. The Gender equality aspect but not the principles is only implicitly included in the Plan.

Gender & Trade

Table 37 : The Gender Continuum (Policies)			
Key response & Score	Yes/ always	Partially/ Sometimes	No/ Never
	Y/A	P/S	N
Approach			
Analytical Framework			
Gender Blind	1	0	0
Gender Negative	1	0	0
Gender Neutral	0	2	0
Gender Sensitive	2	0	0
Programmatic Framework & Process			
Gender informed	0	1	0
Gender Responsive	0	2	0
Gender Transformative	0	0	0

The Plan of Major Reforms involves indirect relations between priority reform areas and women’s economic empowerment, such as poverty alleviation, flat-rate compensation system for needy families, improvement of access to health for vulnerable groups, direct social transfers to poor segments of society..., etc. However, it should be pointed out that women facing precarious economic conditions, can benefit from these actions to support their families. These actions do contribute to curbing vulnerability and poverty, but they also strengthen the traditional distribution of Gender roles.

The Export Development Project is “Gender-blind”, as it refers neither to men nor to women.

Phase 4: Fair Trade Principles Checklist (Policies)

Application of Tool 4 shows that the Fair Trade Principles are included at different levels in the documents setting the overall strategic public policy directions (Development Plan and Plan of Major Reforms), but are not reflected in the Export Development Project. Principle 4 (“Payment of a Fair Price”) and Principle 6 (“Commitment to Non Discrimination, Gender Equity and Women’s Economic Empowerment and Freedom of Association”) are included in the Development Plan.

3. Conclusions

At the Organisational level, the application of the GAAA tools has revealed the following:

- There is little or no consideration of Gender and Human Rights in trade agreements classified as “Gender-blind” for most of them or GHR “neutral”; very few of them are partly “Gender-sensitive” in their analytical part, and partially “Gender-informed” and “Gender-responsive” in their programmatic part.
- Explicit reference to Gender equality by devoting a chapter to the role of women in the economy and public affairs or in the economic sphere does not mean “Gender-sensitiveness”, due to the poor reference—or absence—to the principle of equality which is not gender specific.

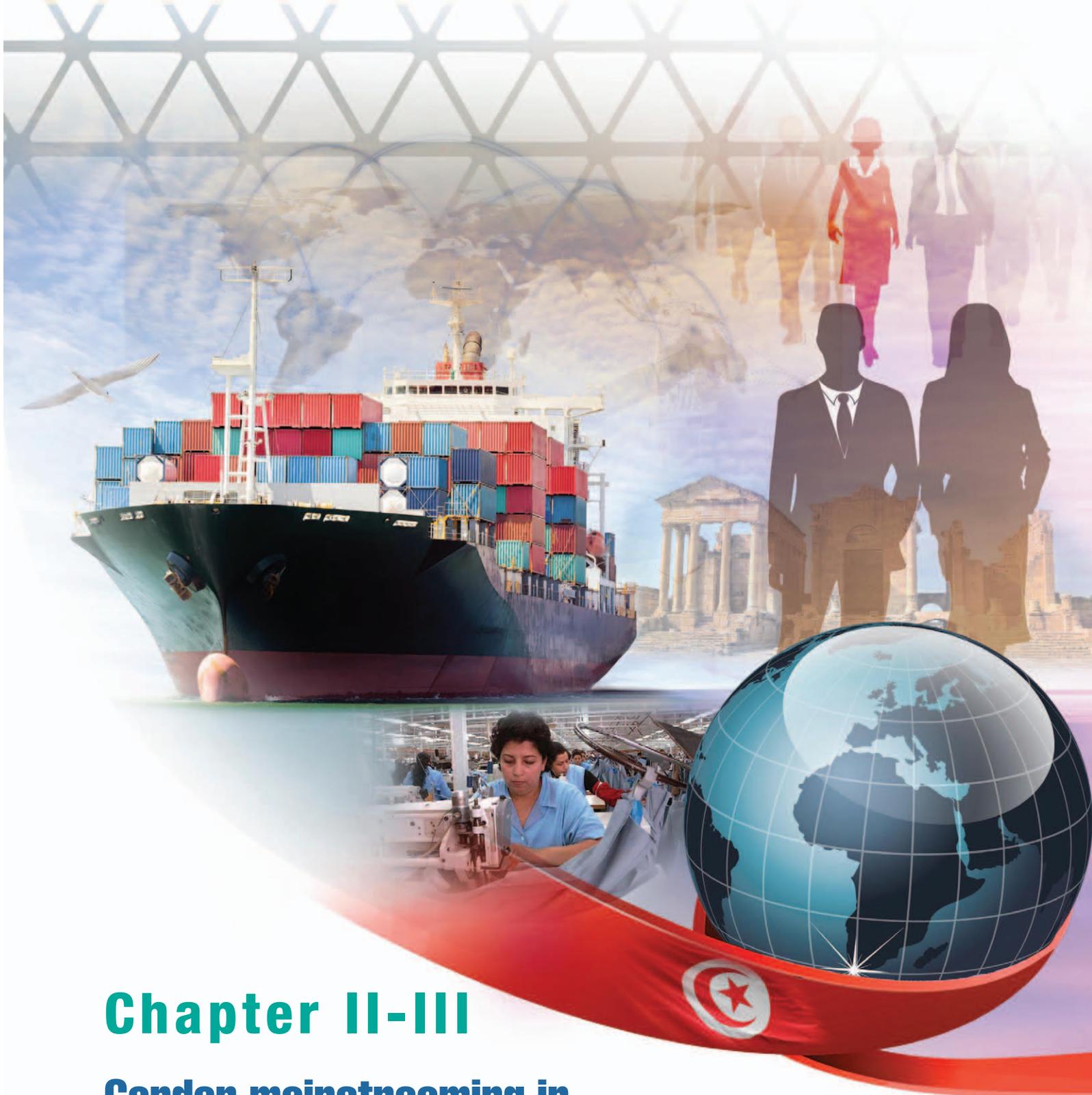
Gender & Trade

- In the conditions for eligibility, there is no consideration for the activities carried out by women and there is no mention of positive discrimination in the selection criteria. Preference is for a competence-based approach. Some good practices however have been highlighted, supporting women's entrepreneurship in the field of trade in the final selection process for certain projects. A number of women are also provided with guidance in their entrepreneurial activities without the project having any particular purpose to do so.
- The Fair Trade Principles are partially taken into consideration in the guiding documents for public policies (Development Plan and Plan of Major Reforms). They are not included in the Export Development Project.

In conclusion...

The situation analysis and the GAAA exercises utilising various frameworks and tools applied to various documents reached the same conclusions: except the gender and women focused documents, initiatives and mechanisms, none of the National Laws, Trade agreements, economic & trade policies and strategies can be categorised as Gender Sensitive and certainly not transformative. In fact, they are more gender-blind, as they fail to identify and acknowledge gender-based differences and gaps and consequently plan any intervention to address them and gear towards gender equality.

While trade liberalisation does not create structural gender inequalities, the social construction of the society institutionalised in the legal and policy frameworks determine the status of women. This can – for better or worse –contribute to identifying the impact of trade and economic initiatives on women. When done, it would be necessary to take the necessary measures to ensure better economic integration of women and create the appropriate conditions to their access to national, regional and international Trade Markets.



Chapter II-III

**Gender mainstreaming in
programmes and organisation:
Trends for developing a baseline:
The GAAA's Pilot Rapid Assessment of
Gender and Human Rights in Trade/GRHT**

Chapter II-III:

Gender mainstreaming in programmes and organisation:

Trends for developing a baseline:

The GAAA's Pilot Rapid Assessment of Gender and Human Rights in Trade/GRHT

Introduction

Producing data and information that demonstrate the extent of the relationship between the social construction of Gender roles and relationships, and the existing Gender disparities is necessary to work towards Gender equality achievement in terms of women economic empowerment and their access to Trade Markets. Such data and information either collected or produced, are to be used in strategic planning as well as build evidences for purposes of advocacy and policy dialogue for change.

SECTION II-III 1. Framework, methodology and context

1. General framework and goals

Designing and pigmenting a project to primarily collect and analyse data and information on Gender and Trade, involve reviewing the existing surveys, databases, academic publications, white papers, programme assessments, and other influential sources available in different languages, in addition to the relevant qualitative research and the models used in comprehensive Gender data and indicators in various fields of development and human rights.

The aim is, in fact, to assess staff perceptions, experiences, lessons learnt or good practices with regard to gender sensitivity in women's economic empowerment, especially in Trade.

Therefore, the PRA has been conducted for the following reasons:

- to be used as an additional tool to refine and fill the gaps identified during the process of data/information collection at three levels (SitAn, mapping and GAAA),
- to better understand how Gender and Human Rights issues are addressed and perceived -or not- in the planning, programming and implementation processes, as well as in institutional and individual practices,
- to enable access to additional quantitative data and qualitative information and set a scene for a Gender & Trade database creation through a field survey targeting key actors, especially the forces of change and/or empowerment in the relevant bodies and sectors.

The “Pilot Rapid Assessment”/PRA” - dissemination of questionnaires, collection of data and analysis of findings at country and regional levels-was planned to be completed within no longer than three months.

Therefore, it is very important to take into consideration when reviewing and analysing the PRA findings described in this report, that these figures represent only the feedback of each and all respondents at the level of the different surveyed organisations, in each country and regional organisation. These however will be helpful to serve as relevant guidelines to further refine and adapt the GAAA methodology and process for the next steps and specific sectors of intervention.

2. Characteristics of the PRA

Adapted to each sector, the GAAA methodology and tools and in particular the Gender Audit questionnaire have been already used by CAWTAR for similar purposes in other projects and areas of intervention to only quote for instance “Gender Responsiveness in childhood programmes and services” (health, protection, education...) in partnership with UNICEF-MENA Regional office and “Gender integration in agriculture and rural development” with the FAO-North Africa sub regional office. In these two exercises, both approach and process focused on each one of the surveyed organisation and their country offices (not their partners). That means the exercise was carried out vertically in the different organisations, so the analysis of the findings was able to highlight strategic and operational layers of each organisation and offer a clearer visibility about gender gaps, their area and levels.

This is to say that the purpose of the GA audit is not to be representative of a given group positions or behaviours...but to inform an institution on what is being done at the level of its programming and the organisational functioning of its programmes.

Therefore as above specified , the utilisation of the GA questionnaire in this exercise was mainly a test in this one-year pilot phase of the project to be reviewed, refined and adapted later, to the Trade sector. For the team at country, regional and CAWTAR levels, it was also a means to test the responsiveness of the stakeholders contacted and their organisations or at least have an indicator of their open-mindedness and predisposition to address such sensitive issues particularly in such “new” area.

Due to the allocated time for the exercise and the difficulty to target all levels within the same organisation in terms of hierarchy (vertical assessment) and sectors of activity and/or areas of intervention, it was agreed to:

- select a small random samples among the inventory of the concerned institutions, organisations and targeted community without taking into consideration, at this stage, the extent to which the sample is representative at the various levels,
- conduct a horizontal assessment among a number of organisations/institutions belonging to different sectors and having a different nature (horizontal assessment) based on their agreement and commitment in each of the 6 covered countries and regional organisation while seeking a minimum number of respondents representing each organisation.

Many of the obtained results could be considered as trends due to their consistency of the findings of the situation analysis (Part I) and of the GAAA of the Trade Agreements and economic policies (Chapter II-II), as well as confirmed by some responses of the focus group discussions conducted in 4 amongst the 6 countries covered by the project. These results do not pretend to reflect accurately the situation of any of the surveyed organisations or institutions at country or regional levels. They could however be considered as the perceptions of the respondents and the experience or knowledge they have on gender equality related issues in their organisation and country.

Therefore, it is very important to pay attention when reviewing and analysing the PRA findings described in this chapter, to the fact that these figures represent only the feedback of each and all respondents, at the level of the different surveyed organisations in each country and regional organisation. Noting that they will be helpful to serve as relevant guidelines to further refine and adapt the GAAA methodology and process, for the next steps and specific sectors of intervention.

3. Target Population & sample

Since the project covers, in its current phase, six countries from the MENA region, namely Algeria, Egypt, Jordan, Lebanon, Morocco, and Tunisia, the PRA relied on a small sample namely 30-50 male/female respondents from each country and regional organisations.

The PRA targeted governmental institutions and mechanisms as well as non-governmental organisations, focusing on the following sectors and areas:

- Women's affairs,
- Planning, Economy and Trade, with emphasis on sectors such as Craft, Agriculture, Industry and/or New Technologies/Telecommunications ...
- Financial institutions and agencies,
- Professional organisations (Trade Unions, Women entrepreneurs, Employers...),
- Statistical institutions / offices,
- NGOs/CSOs concerned with women's human rights as a whole with focus on economic empowerment and participation, when possible,
- Other relevant institutions ...

In addition to national institutions and organisations, the PRA planned to target intergovernmental and non-governmental regional organisations, only three accepted to be involved namely: The League of Arab States/LAS, the Center of Arab Women for Training and Research/CAWTAR and the Arab Organisation for Agricultural Development/AOAD.

The attempt was to carry out the PRA in the regional organisations in a vertical manner however not all of them succeeded in mobilizing a sample representative enough of its whole population particularly, the intergovernmental organisations. For this reason, the regional data were compiled during the analysis process into a unified component so as to equate them with national organisations.

4. Methodology and tools

For the purpose of the PRA, a data collection tool, the GA questionnaire, was developed. This tool helped to assess the extent to which the staff of the targeted organisations/institutions understand Gender-related concepts, and the extent to which the Gender perspective is incorporated in the process of programmes and planning/implementation within these organisations/institutions. The tool involves four main parts:

4.1. Part 1: Project framework and key concepts

It includes a general presentation of the project and its goals, in addition to the key concepts related to Gender and human rights and a simplified presentation of the broad lines and main levels of assessment. The aim of this part is to give potential respondents a general idea about the PRA framework, goals and content.

4.2. Part 2: Programme Planning within the organisation

It contains the first set of questions which are organised into several levels, detailed as follows:

- A. Programme planning/design and guidelines: This part aims to assess the procedures and methods used to conceptualise and design development projects in the field.
- B. Programme implementation: it aims to assess how development projects actually operate in the field.
- C. Technical expertise: The aim of this section is to determine the level of staff expertise in Gender analysis and evaluation.
- D. Monitoring and Evaluation: It aims to assess whether Gender-Disaggregated data/information are incorporated in the monitoring and evaluation of the organisation's development projects and on programme outcomes.
- E. Partners of the Organisation: The aim of this section is to study the level of Gender Mainstreaming in the organisation's relations with partners or local NGO affiliates.

4.3. Part 3: Organisation Support and Dynamics

This includes the second set of assessment questions, and focuses on the underlying reasons, outside of the programming realm, which affects the dynamic of programming. This section involves six levels of assessment with specific aims, detailed as follows:

- A. Gender Policy: to determine the nature and quality of the organisation's Gender policy.
- B. Staffing: to assess the Gender composition of staff in the organisation.
- C. Human Resources: to study human resource policies and the level/extent of Gender considerations in hiring and personnel assessments.
- D. Advocacy, marketing and communications: it aims to assess the quality and Gender sensitivity of the organisation's communication and advocacy campaigns.

- E. Financial resources: it aims to assess the level of the organisation's resources to support its Gender equity policy.
- F. Organisational culture: to assess the level of Gender sensitivity in the culture of the organisation.

4.4. Part 4: Profile information collection

This part aim to collect information concerning the respondent's profile: sex, age, position in the organisation, work location, and name of the organisation. This is to categorize respondents for purposes of PRA results analysis.

5. Data collection

To save time and ensure larger data collection, the PRA questionnaire was distributed to a number of concerned organisations according to the following methods:

- In a first stage, the information was shared during the launching seminar at least in the countries where it was conducted (i.e. Jordan, Lebanon and Tunisia). Then Focal points were identified among networks and in the various targeted organisations at national and regional levels, to convey the information and follow up on the process.
- In a second stage, the PRA questionnaire --supported by information note as regards to process and its goals and a short glossary of the key concepts--was sent via e-mail, with a deadline for submitting responses.

The country and CAWTAR teams faced some difficulties to collect the filled questionnaires within the allowed time and in sufficient numbers to only quote some examples: a number of targeted actors ended up refusing to respond despite the fact that many had initially accepted to be part of the exercise; others continuously delayed the delivery of the completed questionnaire. Some of them found the questionnaire too long (it takes a maximum of 30 minutes to be completed) when others said they could not understand the questions (though the questionnaire starts with an explanatory introduction, includes a definition of concepts, and is available in three languages i.e. Arabic, English and French), even in countries where workshops were held for all the relevant actors to launch the project and present its expected results, methodology, and tools, including the questionnaire.

To overcome the difficulties encountered in the initial data collection method, some country teams conducted direct interviews with the concerned persons in order to obtain the required number of questionnaires in each of the surveyed countries.

Still, despite all efforts, it was difficult for the survey teams to obtain the required number of questionnaires at country level (minimum of 30 respondents per country), except for Egypt and Algeria.

This situation negatively affected the proper progress of the survey and disrupted its schedule. The period for data collection was extended more than once which negatively impacted the processing and analysis of the collected data and the preparation of the final report.

6. Data processing and analysis tools

Free software was used for data entry and analysis. In a first step, a data entry mask was developed in CPro 1.6. The same software was used for data entry and for producing the preliminary files for assessment. In a second step, all the preliminary information was compiled into a unified database and processed using SPSS 22. A data dictionary was developed in Arabic, French and English using this same software. The PRA results were then produced presented and read via Microsoft Excel. The production of PRA results was done in three different stages consisting on the following:

- The first step: production of national and regional data and the presentation of these data in independent reports.
- The second step: production of the overall average of all responses (to be presented in this report) and the comparison of the obtained results at the level of national and regional organisations.
- The third step: set up of the mapping of the obtained results according to a number of aggregated variables such as type and nature, the sector of economic activity and the geographic coverage of the surveyed organisations.

SECTION II-III.2. MAPPING & SAMPLING

The country-based results are presented and analysed in detail in the country reports. In the regional synthesis, only a preliminary analysis of the PRA overall findings is being provided.

The report is composed of five parts:

- Part 1: Mapping of the organisations by nature, type,
- Part 2: Overview of the main characteristics of the respondents,
- Part 3: Extent to which the gender perspective is adopted in project programming / implementation.
- Part 4: Overall description of the main results at the organisational level.
- Part 5: A set of conclusions drawn from the various obtained results.

PART 1: MAPPING BASED ON THE SELECTED AGGREGATED VARIABLES

The PRA covered 161 responses collected from 120 national organisations distributed on the six surveyed countries. During this assessment, the majority of national organisations returned only one response. Some organisations sent more than one response clarifying the difference between the number of national respondents and the number of national organisations. On top of that, 35 responses were obtained from the three Arab regional organisations (LAS, CAWTAR, and AOAD).

The total number of respondents, all organisations and levels combined, is 196 responses broken down as follows:

		SEX		
		Male	Female	Total
Countries & Regional organisations	Tunisia	5	15	20
	Egypt	7	26	33
	Algeria	14	22	36
	Morocco	8	17	25
	Lebanon	1	21	22
	Jordan	6	19	25
	CAWTAR	3	14	17
	AOAD	3	2	5
	LAS	7	6	13
	Total	54	142	196

Gender & Trade

Taking into consideration the confidentiality principle and commitment which requires preserving the individual data, the results were aggregated in a number of dimensions during the data analysis phase namely: country and sex of respondent, type and nature of belonging organisation and the sector in which the organisation operates. Organisations are categorised as follows:

- Governmental including Ministries and other public institutions and entities (statistics offices, trade unit...),
- Non-governmental organisations: which includes local, national, regional and international NGO and professional organisations.

11 activity sectors and 9 organisation's nature were assessed as herewith described:

Organisation nature	Country & Organisation									
	Tunisia	Egypt	Algeria	Morocco	Lebanon	Jordan	CAWTAR	AOAD	LAS	Total
Ministry	17	5	4	1	6	7	0	0	0	40
Trade unit	0	0	0	0	0	1	0	0	0	1
Prof. Org	0	1	9	6	0	0	0	0	0	16
Local NGO	0	0	2	0	0	2	0	0	0	4
National NGO	0	15	8	15	9	12	0	0	0	59
Regional NGO	0	0	0	0	0	0	17	5	13	35
International NGO	0	3	0	0	5	0	0	0	0	8
Other GOV. institutions	3	9	11	2	2	3	0	0	0	30
Others	0	0	2	1	0	0	0	0	0	3
Total	20	33	36	25	22	25	17	5	13	196

Nature	Type		
	Gov.Org.	Non Gov. Org.	Total
Ministry	40	0	40
Commerce unit	1	0	9
Prof. Org	3	13	16
Other	3	0	3
Local NGO	0	4	4
Nat.NGO	0	59	59
Reg.NGO	0	35	35
Intern. NGO	0	8	8
Other GOV. institutions	30	0	30
Total	77	119	196

Gender & Trade

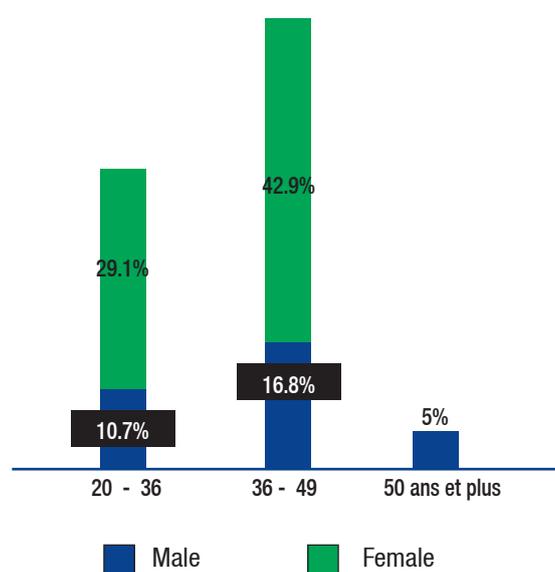
Table 41: Respondents by organisation's type and activity sector			
Sector of activity	Type of organisation		
	Governmental	Non-governmental	Total
Craft activities	0	2	2
Agriculture	4	7	11
Industry	6	6	12
Technology, Informatics and Media	0	2	2
Finance - Loans	6	4	10
Trade	13	2	15
Employment and Entrepreneurship	5	18	23
Social Affairs, Women Affairs	20	42	61
Investment	8	0	8
Research, studies and planning	9	20	29
Other	6	16	22
Total	77	119	196

PART 2: CHARACTERISTICS OF RESPONDENTS

2.1. Respondents by sex and age group

In this PRA, women represented a majority of 72.4% of the respondents. 29.1% of them were in the 20-35 age group, 42.9% in the 36-49 age group, and only 0.5% aged 50 and over. As for the 27.6% of all men respondents, 10.7% of them were in the 20-35 age group, and 16.8% in the 36-49 age group.

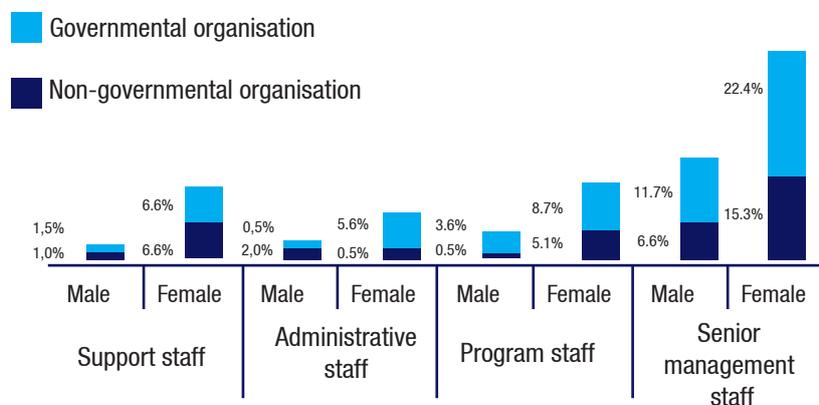
Figure 54: Respondents by sex and age group



2.2 Respondents by type of organisation and position in the organisation

39.3% of all respondents, 29.1% of whom are women, work currently in government institutions while 60.7% with 43.4% women work in NGOs. As showed in theFigure 2.2. below, 56.1% of the respondents are part of the senior management staff of organisations, 21.9% of them in governmental organisations), 17.9% are programme officers (5.6% in governmental organisations), 10.2% work as administrative staff (4% in governmental organisations), and 15.8% are part of the support teams within organisations (7.6% in governmental organisations).

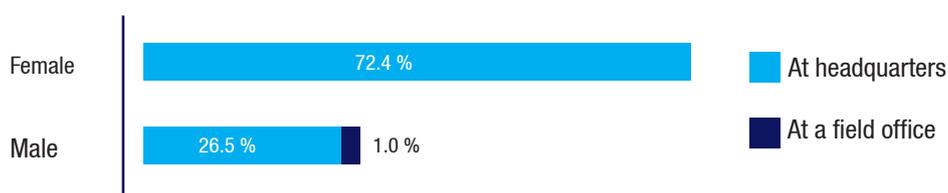
Figure 55 : Respondents by sex and position in the organisation



2.3 Respondents by sex and work location

99% of the respondents, 72.4% of whom are women, work at the headquarters of the surveyed organisations, while only 1%, all men, are part of the field staff of these organisations.

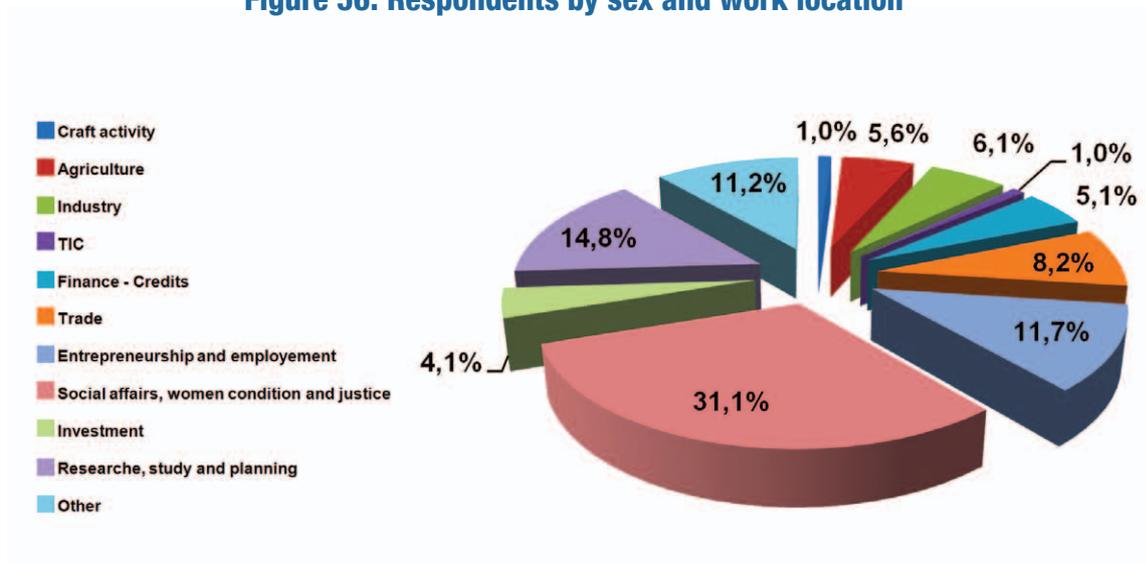
Figure 55 : Respondents by sex and position in the organisation



2.4 Respondents by sex and sector of economic activity

The analysis of the collected data shows that a large percentage of respondents, 31.1% with 24.5% of women work in the field of social affairs and women’s issues, 14.8% with 12.2% women in research and studies, and 9.2% of women from a total of 11.7%, in entrepreneurship and employment, 8.2% (with almost half of women 4.6%) in trade, 6.1% (4.1% women) in the industrial sector, 5.6% (3.1% women) in the agricultural sector, 5.1% (3.1% women) in finance and loans, 4.1% (2.0% women) in the investment sector, 1.0% (all women) in craft activities, 1.0% (0.5% women) in technology, informatics and media, and 11.2% (7.7% women) in other economic sectors.

Figure 56: Respondents by sex and work location



SECTION II-III.3. ANALYSIS OF the PRA's PRELIMINARY RESULTS

PART 1 : GENDER EQUALITY/EQUITY AT THE PROGRAMMATIC LEVEL

The country PRA's results were analysed in detail in related reports. The regional synthesis consists of providing a preliminary analysis of the PRA's overall findings. The analysis is based on a comparative review not between the results of the 6 countries themselves and/or regional organisations but will focus mainly on putting together positions, perceptions, points of view and experience/s of the respondents, men and women as well as organisations, noting that quoting the name of country is mainly to describe the results obtained from a given national organisation of this country not to be representative of the whole country nor the organisation itself.

The results are presented in this section as set out in the questionnaire in an aim to assess to which extent the responding organisations took into account Gender equality/equity in the programming process, the procedures and methods used to conceptualise, design and development projects in the field.

1. Programme Planning/Design within the Organisation

The various procedures and methods used to design and develop projects within the organisation were assessed in this section. This includes the issue of participation in the planning process, integration of gender criteria in the design and other planning steps as well as the extent to which Gender Equality and Equity are incorporated into the actual planning and programming of these projects.

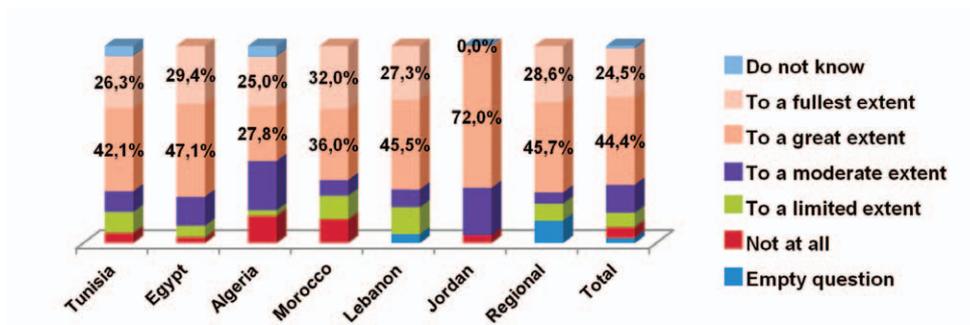
1.1.Participatory approach in programming process

In a first stage, the PRA focused on the extent to which programmes are developed in accordance with a participatory approach. In assessing the extent to which participatory approach is adopted in different countries and organisations, it was noted that more than 50%^{1*} of respondents at country and regional levels declared that their organisation adopts this method "to a great extent" or "to the fullest extent".

68.9% of the respondents of which 48.9% are women said that their organisation engages, to a great extent, in the process of planning & programming starting from the design in such a way as to apply the principle of participation. More than 60%* of the respondents indicated that the views of both men and women are largely taken into consideration throughout this process.

The fact that the percentage of respondents who said that their organisation adopts the participatory approach exceeds 50%* should not overshadow the existence of some discrepancies across the surveyed countries. At country level, the highest percentage of respondents who said that their organisation largely adopts the participatory approach to planning was in Egypt with 76.5%* of which 61.8% women, and the lowest percentage in Algeria with 52.8%* of which 27.8% of women.

Figure 57: Respondents by Sector of activity



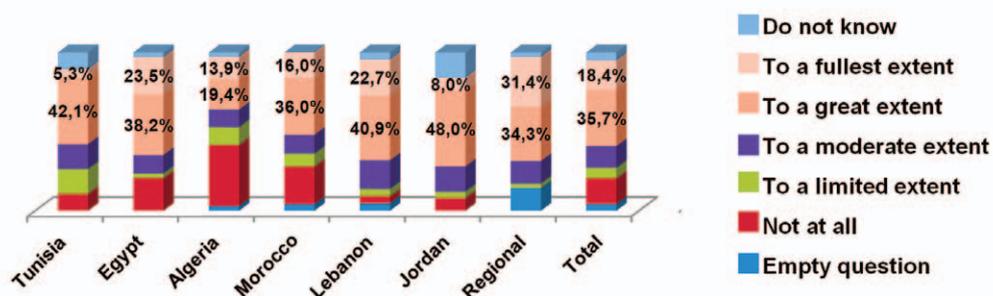
1.2. Incorporation of Gender criteria in the design process in the organisation

As shown in the herewith figure only 33.3%* of respondents in Algeria of which 22.2 % are women consider that their organisation incorporates, to a great extent, Gender criteria in programme design, while 65.7%* of respondents from regional organisations of which 40.0% of women indicated that their organisation adopts, to a great extent, those criteria.

In the same context, 54.1%* of the respondents with 41.3% of women said that Gender criteria are included in the programme/project approval process within their organisation. 61.7%* of the respondents with 43.9% of women added that their organisation is keen to include Gender equity goals and objectives in the process of programme/project design.

It is worth to note that 50.05%* of all respondents of which 38.8% women stated that their organisation largely takes into consideration the best practices in Gender mainstreaming in programming and seeks to develop projects in line with these practices.

Figure 58: Participatory approach in programming process

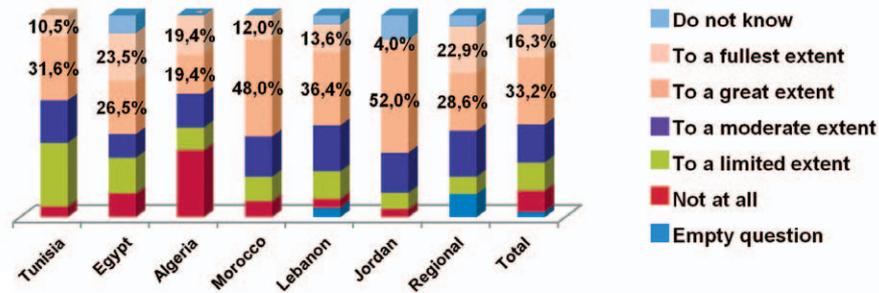


1.3 Analysis of Gender roles and responsibilities in the targeted communities

In the same context, 50.5%* of the respondents with 38.8% of women stated that for each programme/project, and as part of the needs assessment process, an analysis of gender roles and responsibilities in the targeted community is undertaken to a great extent. At country level, Algeria records the lowest percentage of responses indicating the adoption of this approach with 13.9%* (5.6% women),

while the highest percentage was in Jordan with 48.0%*from whom 44.0% are women, as herewith quantified.

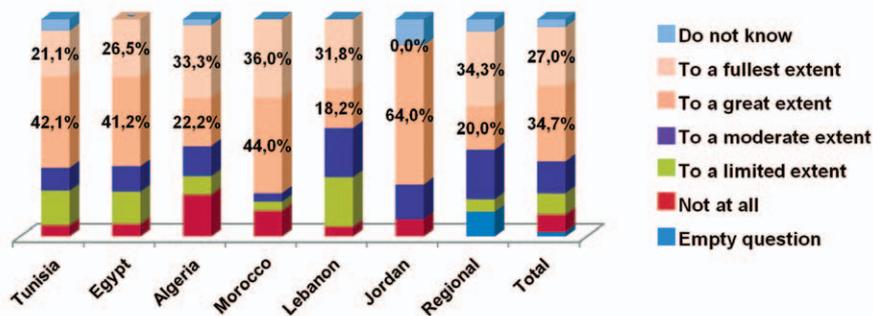
Figure 59: Analysis of Gender roles and responsibilities



1.4 Incorporation of Gender Equality/Equity goals in project design

A similar discrepancy can be noticed as in the herewith figure since the highest percentage of respondents who asserted that their organisation incorporates, to a great extent, Gender Equality/Equity goals in project design and planning was recorded in Jordan with 64.0%* with 44.0% of women, while the lowest percentage was in Lebanon with 50.0%*from whom 45.5% are women.

Figure 60: Incorporation of Gender Equality/Equity goals in project design



2. Programme implementation

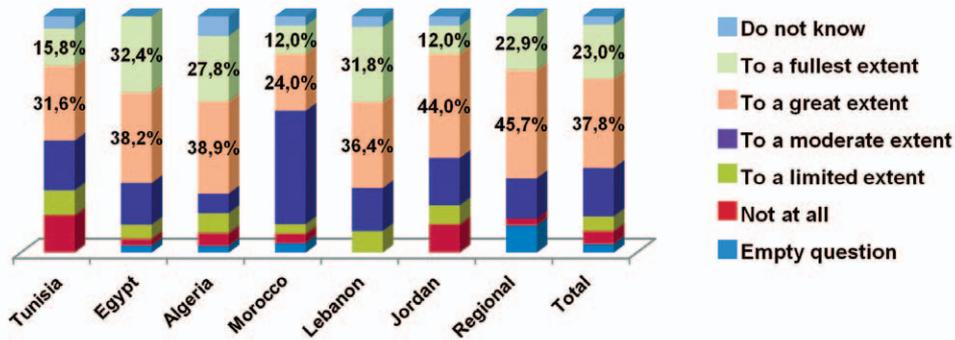
The purpose of this category of the questionnaire was to identify the various ways used by the organisation /s to implement their projects in the field. It consisted also of assessing planned activities to strengthen women and men's skills either as staff or beneficiaries.

2.1. Programme implementation plans with activities to strengthen women and men's skills

78.6%* of respondents with 57.7% of women consider that the implementation plan for their organisation's programmes/projects include activities designed to strengthen men's skills and provide them with equal access to services and training, while 60.7%* of the respondents from whom 42.3% of women) said that their organisation adopts the same policy but to strengthen women's skills.

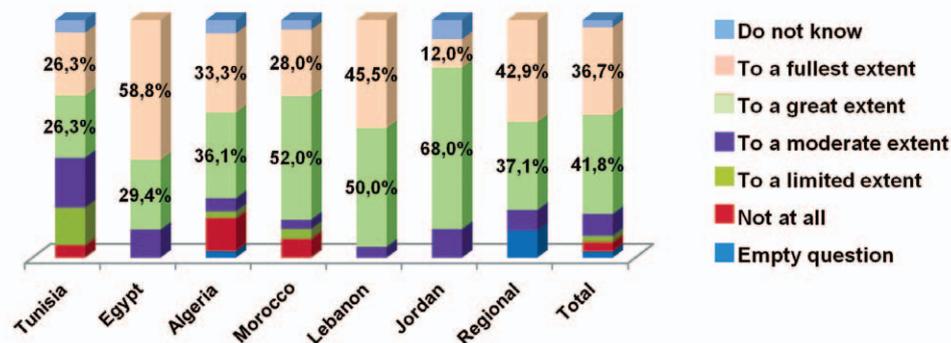
At country level, the highest percentage for activities designed to strengthen men's skills was in Lebanon, with 95.5%* with 90.1% of women, while the lowest percentage was in Tunisia with 52.6%* with 31.6% of women, as herewith illustrated.

Figure 61 (1): Strengthening men's skills



With regard to activities geared toward women, the highest percentage was in Egypt with 71%* (55.9% women), while the lowest percentage was in Morocco with 37%* (20% women).

Figure 61 (2): Strengthening women's skills



2.2. Female and male beneficiary assessment in the organisation's projects

Despite the discrepancy at country level, the overall trend is that project implementation strategies and plans generally take into account existing Gender roles and interests of both male and female beneficiaries, by designing gender-sensitive activities that aim essentially at strengthening their skills.

In fact, 62.2%* of the respondents of which 46.9% of women have declared that their organisation, to a great extent, takes into account the roles and interests of both men and women participants when designing strategies and implementation plans. Besides, more than 60%* of the respondents indicated that the male and female beneficiaries considered the programmes and projects proposed by their organisation as beneficial to their lives.

A discrepancy is observed across the surveyed countries in both hereunder Figures 62 (1) and 62 (2). All percentages at country level are considered as high, with the lowest percentage recorded in Tunisia with 53%* with 42.1% of women.

Indeed, 62.2%* of the respondents of which 47.7% are women declared that their organisation has developed the necessary capacity to identify the needed action points within the organisation for gender mainstreaming in programmes and projects.

The highest percentage of responses was in Morocco with 76.0%* with 56.0% among women, and the lowest in Tunisia with 47.4%* with 31.6% female.

Figure 62 (1): Female beneficiary assessment of the organisation's projects

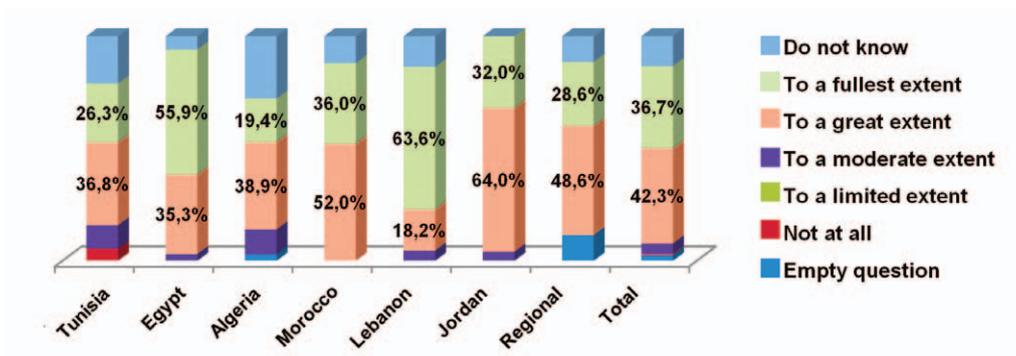
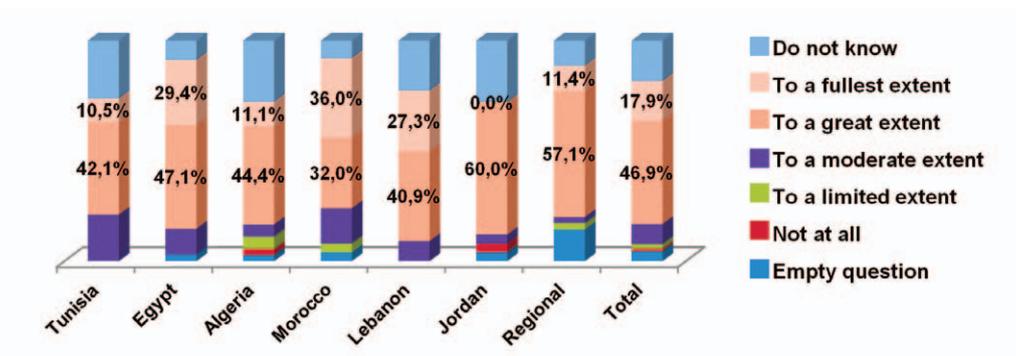


Figure 62 (2): Male beneficiary assessment of the organisation's projects



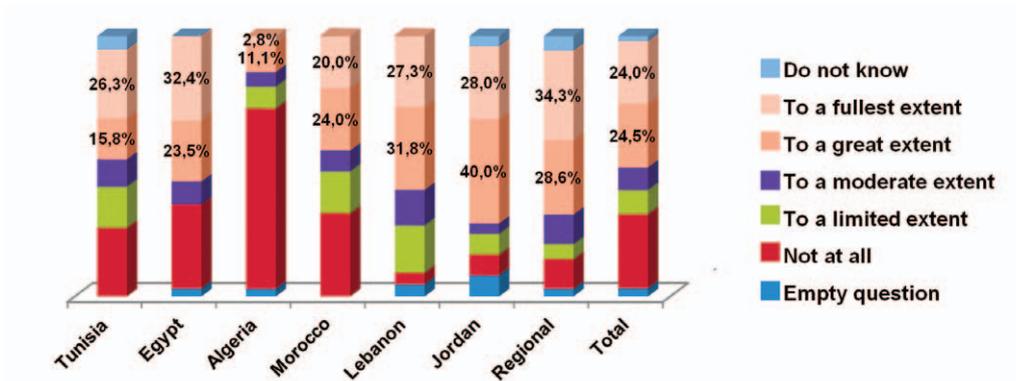
3. Technical expertise

To assess the ability of organisations to effectively integrate the gender perspective and achieve gender equality in the process of project planning, the PRA focused, in this section, on the level of the organisation's staff expertise in Gender analysis and evaluation.

3.1. Existence of Gender Focal point/unit

Only 48.5%* of the respondents of which 40.8% of women declared that in their organisation, there is a person or a division in charge of Gender issues (i.e. Gender focal point/unit). The collected findings show, as herewith illustrated, a great discrepancy across the surveyed countries. In fact, 68.0%* of respondents in Jordan of which 56.0% are women asserted that their organisation has a Gender focal point/unit, whereas only 13.9%* of respondents in Algeria, that include 11.1% of women confirm that their organisation adopts this approach to a great extent.

Figure 63: Existence of Gender Focal point/unit

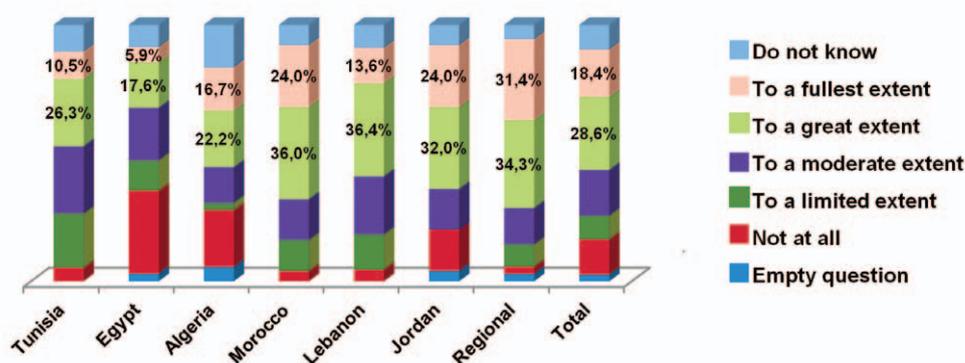


3.2. Capacity and skills of staff/units in charge of Gender issues

As regard to technical capacity and/or expertise, 43.9%* of the respondents with 37.8% of women indicated that the organisation staff and/or units in charge of Gender issues in their organisation benefit from the necessary knowledge, skills and attitude to properly carry out their work.

Despite this average overall percentages, Figure 64 highlights a significant lack of gender expertise and knowledge in some of the surveyed countries. For instance, only 16.7%* of respondents in Algeria with 11.1% of women recognise presence of qualified human resources among those in charge Gender issues with the necessary knowledge and skills to perform their tasks and duties, whereas 82.0%* of respondents in Jordan indicated that their organisation includes, to a great extent, persons having such skills and knowledge.

Figure 64: Capacity and skills of Gender Focal point/unit



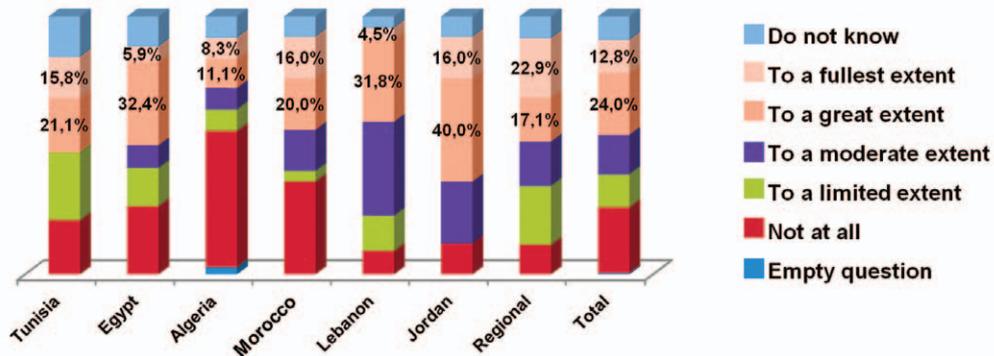
3.3. Provision of Gender training to concerned focal points and units

Only 36.7%* of all respondents of which 30.6% are women consider that their organisation provides, to a great extent, Gender training programmes for the staff in charge of Gender mainstreaming.

As herewith revealed there is a sharp discrepancy across the surveyed countries. Algeria still has the lowest percentage since only 19%* of the respondents and among them 13.9% of women consider that their organisation offers, to a great extent, training programmes to help the staff responsible for

Gender to properly perform their tasks, whereas the highest percentage is recorded in Jordan with 56%* with 48.0% of women.

Figure 65: Gender training to concerned focal points and units



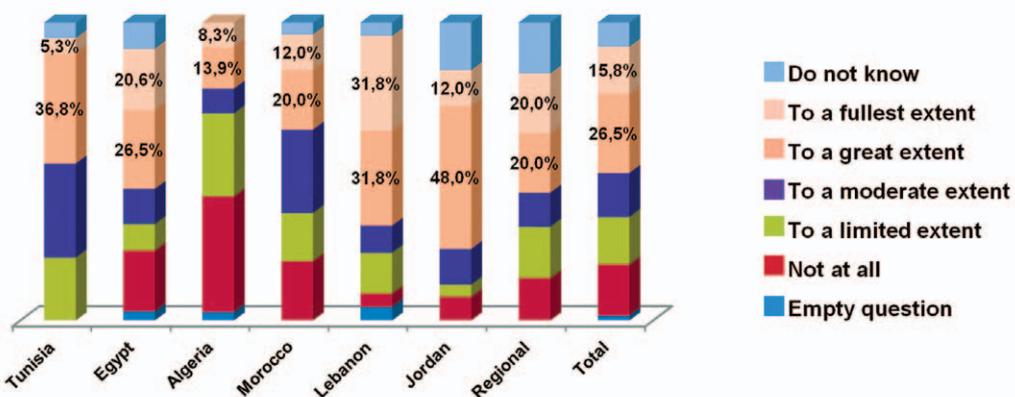
4. Monitoring & Evaluation/M&E

Monitoring & Evaluation are of high importance in any result-based planning process. This PRA section is focusing on the extent to which sex-disaggregated data and information are incorporated in the monitoring and evaluation of the organisation's development projects.

4.1. Collection sex-disaggregated data

For 42.3%* of the respondents with 33.2% of women, their organisation collects sex-disaggregated data to serve the goals of its programmes and projects. As described in the herewith figure, the highest percentage, 60%, is found in Jordan and Lebanon. Other results recorded at country level are close to the overall average, mostly ranking from 47.1%* to 32.0%*, except for Algeria where the lowest percentage, 22% is noted.

Figure 66: Sex-Disaggregated DataCollection

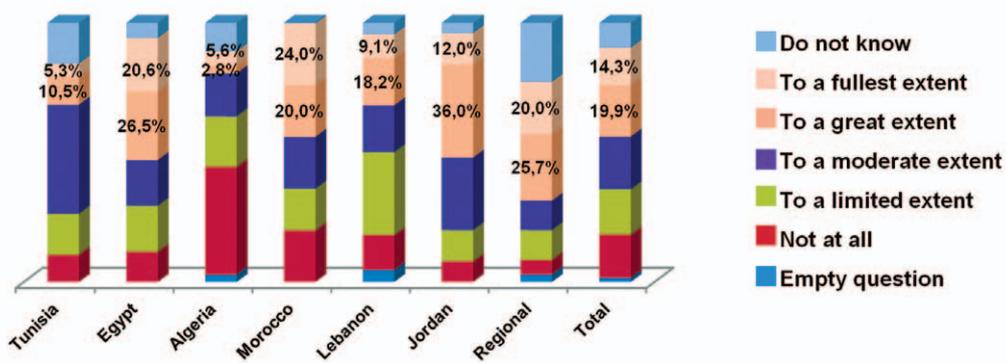


4.2. Monitoring and evaluation of gender impact of programmes and projects

In the same context, it should be pointed out that only 8.3%** of the respondents of which 5.6% women in Algeria declared that their organisation has sectoral specific indicators that include a Gender dimension and undertakes monitoring and evaluation of the impact of its projects and programmes on Gender.

At the time 34.2%* of the respondents of which 26.5% are women, confirmed that their organisation monitors and evaluates the Gender impact of projects and programmes through producing sectoral specific indicators that include a Gender dimension, as asserted by 29.1%* of the respondents with 24.5% of women.

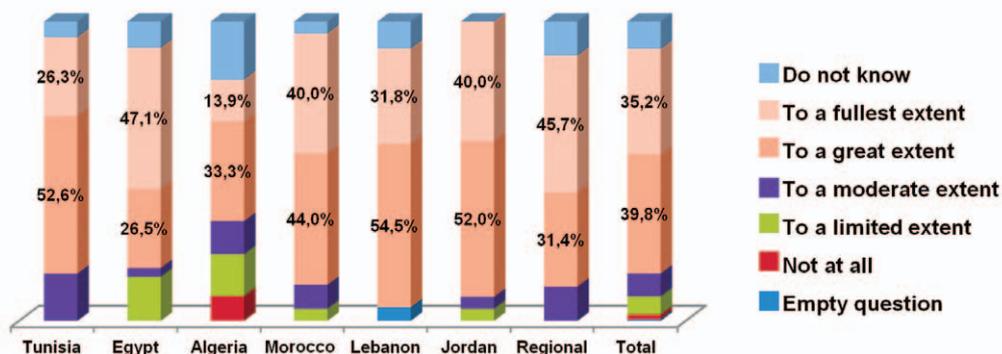
Figure 67: Monitoring and evaluation/M&E of project's gender impact



4.3. Usefulness of SDD for programme development & evaluation

Despite the low levels of responses that reflect the extent to which organisations actually carry out M&E of the impact of their Gender disparities projects, 75.0%** of the respondents including 58.1% of women expressed their support to this method which they consider as useful and necessary for current programme/project evaluation and also for subsequent programme/project design.

Figure 68: Usefulness of SDD for programme development & evaluation



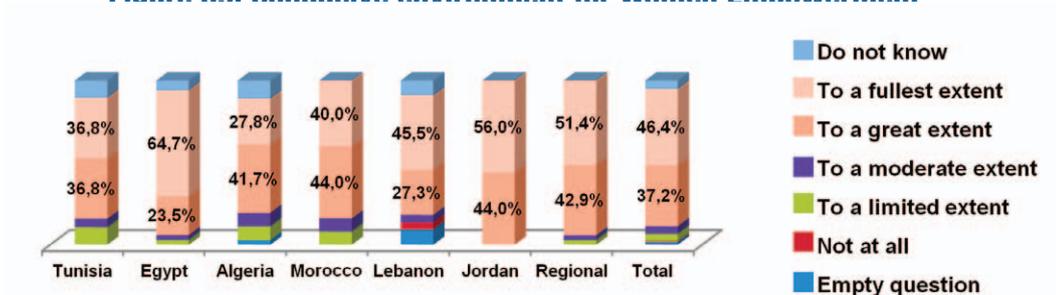
4.4. Conducive environment for Women Empowerment

As showed in the hereunder figure, nearly 84%** of all respondents from which 60.2% are women, consider that their organisation support women’s empowerment and is changing gender inequalities in many areas, including access to training, self-employment, legal status, and access to resources.

It is worth to notice however that in contradiction with the low performance of their organisation, asserted in previous sections of this category (and even others), 69.4%** of respondents in Algeria with 41.7% of women affirm that their organisation contributes to positive change in Gender. This observation could be found across all the surveyed countries to only compare figure 67 and figure 69.

Indeed, the percentage of respondents who said that their organisation is undertaking monitoring and evaluation is less than the percentage of respondents who asserted that their organisation is actually implementing programmes/projects that contribute to the empowerment of women to change the state of unequal Gender relationships.

Figure 69: Conducive environment for Women Emnowerment



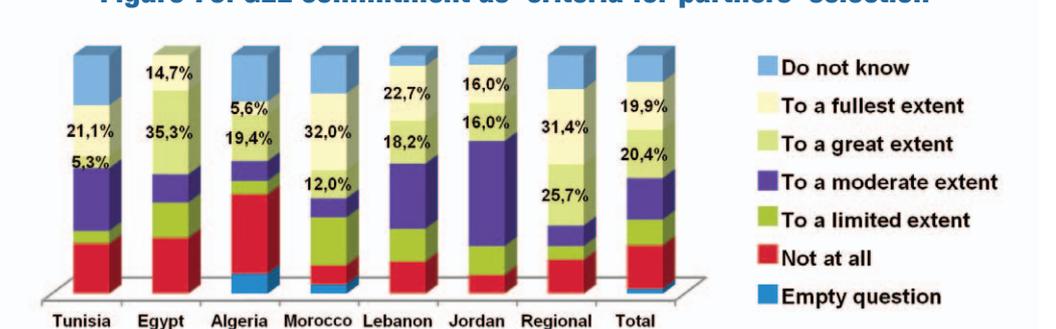
5. Partners of the organisation

This sub-category aims to asses to which extent the surveyed organisations consider that Gender criteria are important and take them into consideration when building or selecting partnership. It is obvious that responses would be varying according to the mandate of each concerned organisation.

5.1. Gender Equality & Equity/GEEcommitment as criteria for partners’ selection

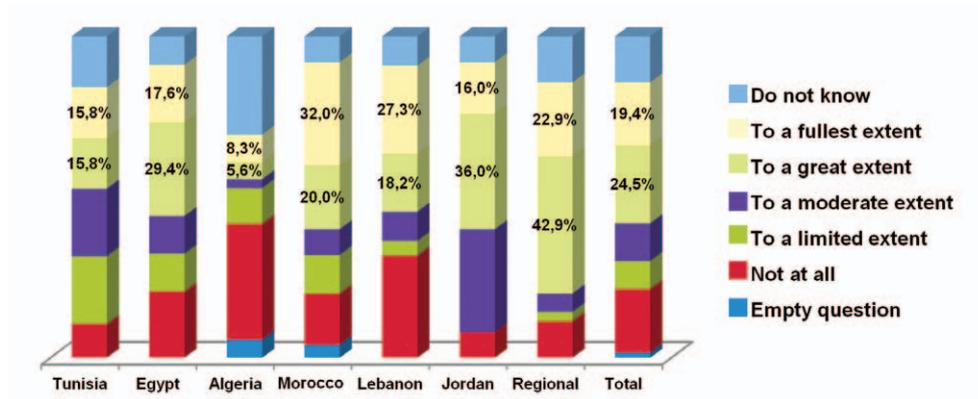
40.3%* of all respondents of which 31.6% are women said that commitment to GEE is, to a great extent, a criterion their organisation consider as essential to select partners.

Figure 70: GEE commitment as criteria for partners’ selection



5.2. Gender policy in written agreements as a pre-requisite for partnership

Figure 71: Gender policy in written agreements for partnership



Outlining their organisation's relationship with its partners, 43.9%* of the respondents of whom 35.2% were women, said that their organisation is, to a great extent, keen on including a Gender policy in the written agreements. The highest percentage, 66%* of which 45.7% are women, was recorded in regional organisations and the lowest percentage was in Algeria with 14.1%* with 11.1% of women.

Moreover, 37.2%* of respondents from whom women represent 30.1% indicated that their organisation, look to further enhance Gender mainstreaming in its plans and programmes, providing training on Gender analysis, planning including M&E to partners or local NGOs affiliate staff.

PART 2: GENDER EQUALITY/EQUITY AT THE ORGANISATIONAL LEVEL

After the programmatic level, this section of the PRA is auditing other causes that could potentially affect the dynamic of programming, impeding the incorporation of gender perspective and objectives toward Gender Equality achievement.

Focus is laid on factors related to the proper functioning of the organisation such as human and financial resources as well as the dominant organisational culture. The results are presented according to the order of questions as set out in the questionnaire.

1. Gender policy

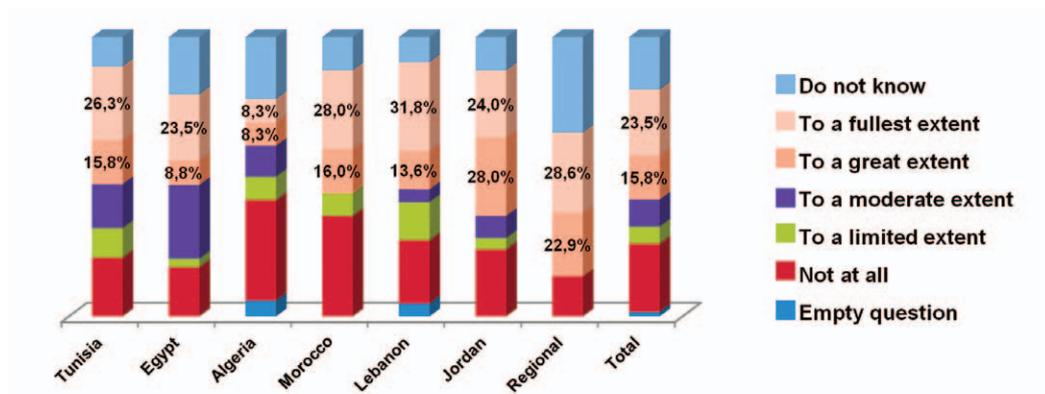
Adopting a gender policy is an undertaking of an organisation's work towards the effective Gender mainstreaming of its programmes and projects to achieve gender Equality Equity and Empowerment of Women/GEEEW.

The level and indicators of concrete commitment are being assessed through the existence of a Gender Policy written document and its work plan to operationalise, in addition to involving a clear distribution of responsibilities and time for M&E. It was important to also valuate the degree of the staff's ownership of the Gender Policy.

1.1. Adoption of Gender Policy written document

As a matter of fact, only 39.3%* of the respondents of whom 32.2% are women, declared that their organisation have a written Gender Policy, confirming its commitment to GEEW goal and objectives and supporting Gender Mainstreaming into strategic planning. At country level, the highest percentage of respondents who confirmed the existence of this policy was in Jordan with 52.0%* with 48.0% of women, and the lowest in Algeria, with 16.6%* with 11.1% of women, as herewith illustrated.

Figure 72: Adoption of Gender Policy written document

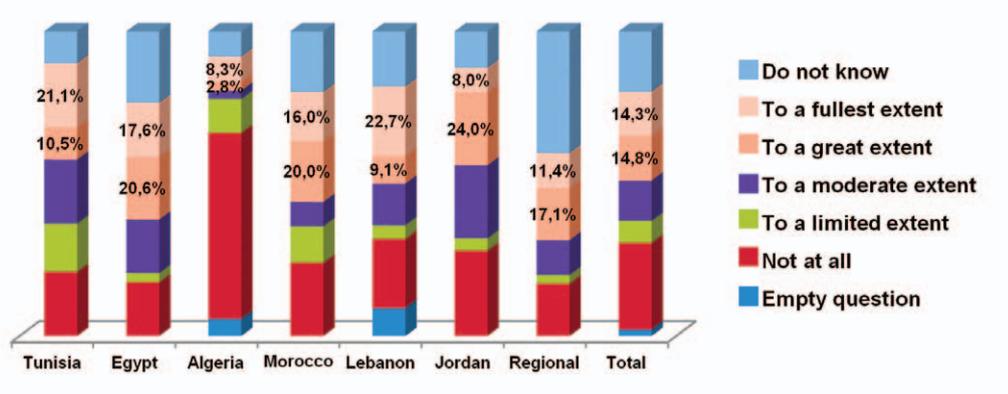


1.2. Operationalisation and M&E plans within the Gender Policy/GP

As for the existence of an operational work plan within this policy, specifically appointing managers responsible for its implementation with a devoted schedule for its M&E, only 29.1%* of the respondents amongst whom 25.0% are women said that their organisation's Gender policy includes such operational plan. As in the previous section, the findings highlight a discrepancy across the surveyed countries. It should be noted that the various results recorded at country level are close to each other and generally exceed the overall average of 29.1%*, with the exception of Algeria.

In fact, the percentage of Algerian respondents indicating the existence of an operational work plan including a clear distribution of responsibilities among the staff does not exceed 11.1%*, taking into account that all the responses are from women. On the other hand, 38.2%* of Egyptian respondents confirmed the existence of such operational plans within their organisation.

Figure 73: Operationalisation and M&E plans within the GP

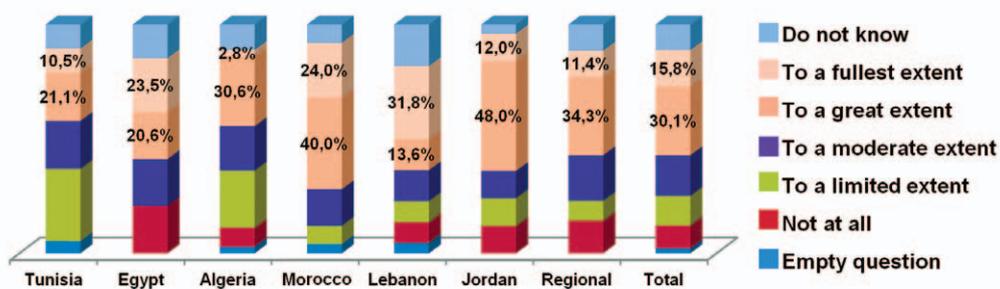


1.3. Staff's ownership of and commitment the Gender Policy

Discrepancies are also found when assessing whether every staff member “feels ownership” over the Gender policy adopted by the organisation. In fact, 45.9%** of the respondents with 36.7% of women said that staff largely embraces the principles and values of their organisation’s Gender Policy.

Jordan and Egypt recorded the highest proportions with more than 60%** , whereas Tunisia and Algeria have the lowest proportion, with nearly 32%**.

Figure 74: Staff's ownership of and commitment the Gender Policy



2. Staffing

This sub-category intended to appraise the impact of the Gender Policies adopted by organisations on the increase of women’s representation in senior management positions at headquarters and in the field. It also includes the extent to which the organisation is engaged to develop a proactive strategy to promote women’s access to senior management positions. Respect for diversity at work as well as women and men management styles were also faced.

2.1. Women's access to senior management positions at headquarters and in the field

68.0%* of respondents, 46.9% being women, declared that the number of women in senior management positions at headquarters has increased in recent years, whereas 48.0%* with 35.2% of women said that this increase was also observed at the field level.

Egypt recorded the highest percentage since 80%* of the respondents affirmed an unprecedented increase of women’s access to senior management positions in recent years, especially at field level, compared to the other surveyed countries where the percentage does not exceed 45.0%*, which is below the overall average of 48% (Figure75(2)). To explain this increase, 64.3%* of the respondents from whom 45.4% are women said that the Management in their organisation shows respect for diversity in work and management styles.

Figure 75 (1): Women's access to senior management positions at HQs

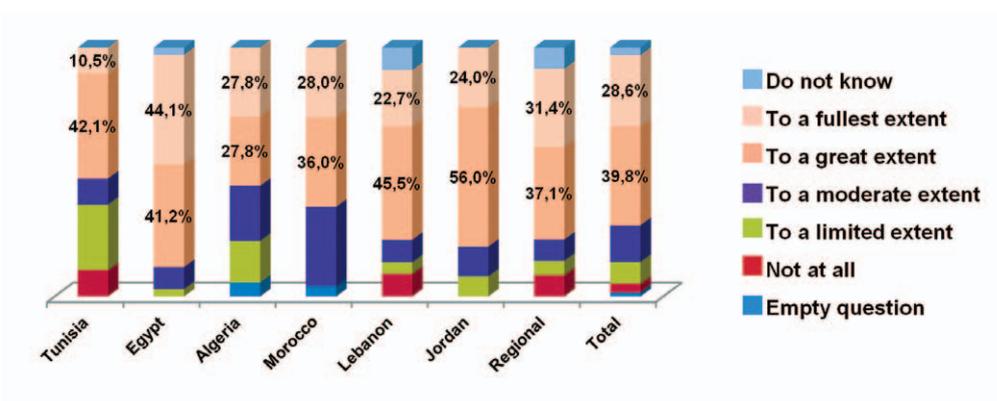
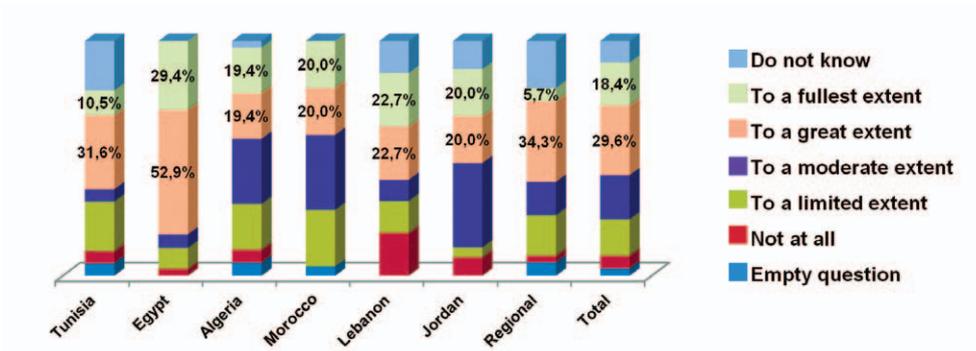


Figure 75 (2): Women's representation in senior management positions at field level

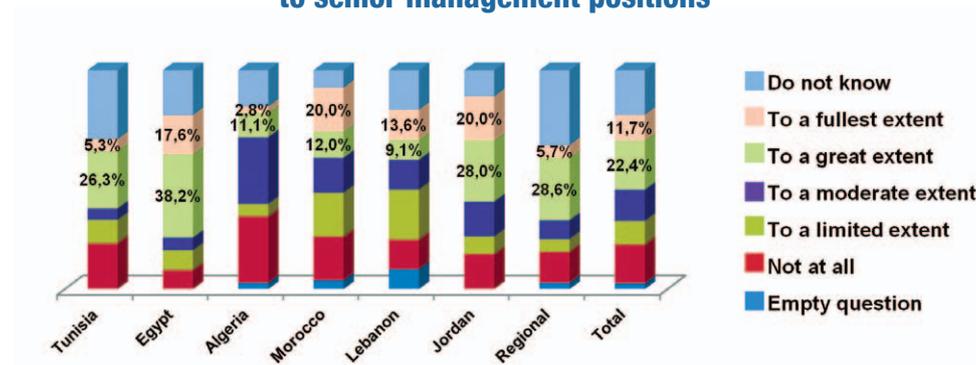


2.2. A proactive strategy to promote women's access to senior management positions

Only 34.2%* of all respondents --24.5% women-- indicated that their organisation adopts proactive strategies to recruit or promote women into senior management positions.

At country level, Egypt still has the highest proportion, compared to the other surveyed countries, whereas in Algeria, only 13.9%* of the respondents said that their organisation adopts clear strategies that promote women's access to senior management positions, as hereunder shown.

Figure 76: A proactive strategy to promote women's access to senior management positions



3. Human Resources

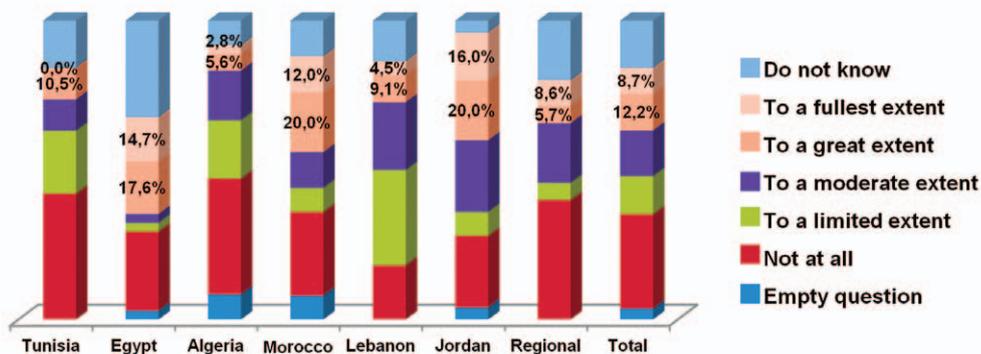
In reference to the Human Resources policies, this sub-category aims to understand to which extent the organisation is aware on the importance of integrating Gender considerations in job descriptions and granting equal opportunities during the personnel’s selection and hiring processes. The review concerned also work flexibility as well as a number of social rights, in relation with work such as parental leave, child- and dependent care policies...

3.1. Gender awareness in job description

The highest percentage of respondents who declared their organisation incorporates Gender awareness in all job descriptions, was in Jordan with nearly 56.0%* from whom 44.0% are women, whereas the lowest percentage was in Lebanon with 13.6%*, responses being of all women, followed by Tunisia with 15.8%* responses and finally Algeria with 19.4%* from whom 5.4% are women.

Only 20.9%* of the respondents with 15.3% of women said that their organisation includes Gender awareness in all job descriptions, whereas 29.1%* of the respondents with 20.9% of women indicated that their organisation includes Gender awareness in all job performance criteria, noting that about 50%* of the respondents from whom 28.6% are women, said that that their organisation has a written equal opportunity policy.

Figure 77: Gender awareness in job description



3.2. Gender training for senior management and board members

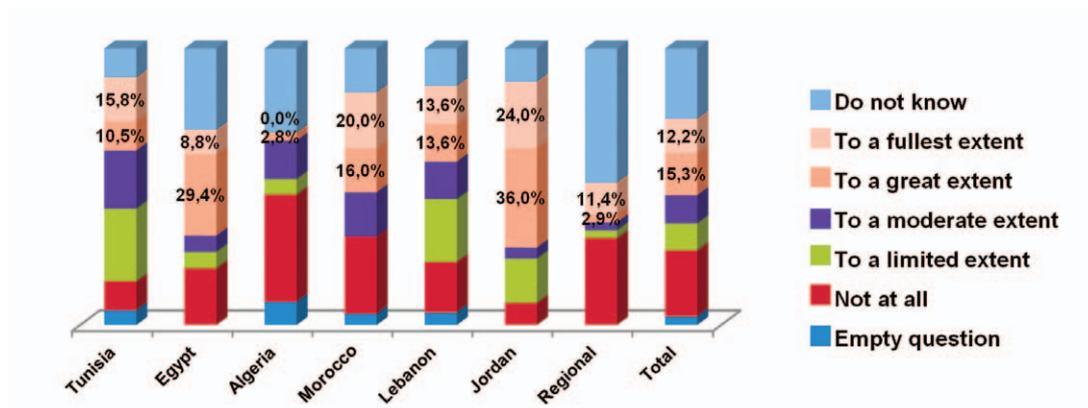
Only 30.1%* of respondents with 25.5% of women said that their organisation offers Gender training in order to raise the level and quality of Gender awareness. In the same context, only 27.5%* of the respondents from whom 24.5% are women said that their organisation offers training for senior management and members of boards in institutionalising Gender mainstreaming in the management of the organisation.

Despite the modest overall proportions concerning Gender training provided by the organisations for its staff, board members and senior management, analysis of the results shows once again clear discrepancies across the surveyed countries.

Gender & Trade

Jordan has the highest percentage with nearly 60.0%* of the respondents from whom 56.0% are women, asserting that their organisation largely offers such training, whereas the lowest percentage was in Algeria, with only 2.8%* of women who responded. Other countries are close to the overall percentage, with the exception of regional organisations where only 14.3%* of respondents (all women) said that their organisation adopted this policy.

Figure 78: Gender training for senior management and board members

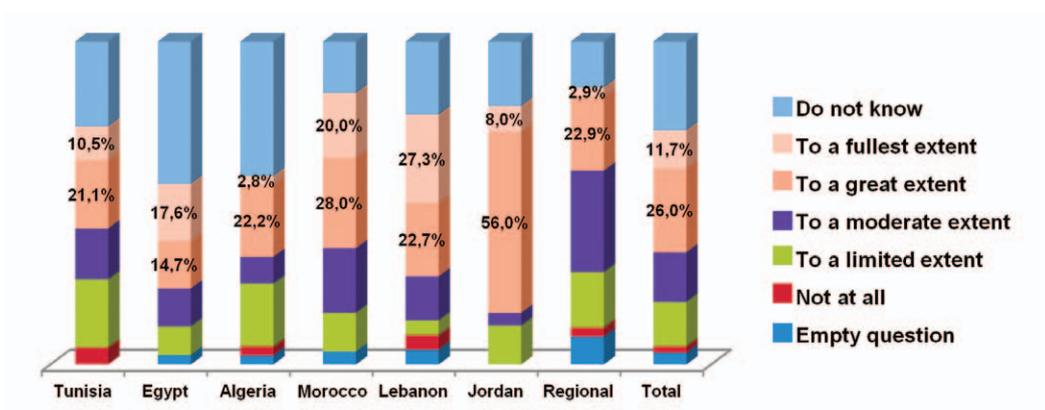


3.3. Rewarding good performance in the field of Gender

87.8%* of all respondents with 61.7% of women indicated that their organisation promotes teamwork, involving both men and women as equal partners. 72.4%* of the respondents among whom 53.1% are women, noted gradual increase of Gender expertise among staff members in their organisation. However, only 37.8%* of the respondents with 29.1% of women said that good performance in the field of Gender is rewarded in their organisation.

The highest percentage of respondents confirming that their organisation rewards good performance in Gender, was in Jordan with 64.0%** among them 52.0% of women, whereas for other countries the proportion went down to reach its lowest level in Algeria with 25.0%** with 19.4% of women.

Figure 79: Rewarding good performance in the field of Gender



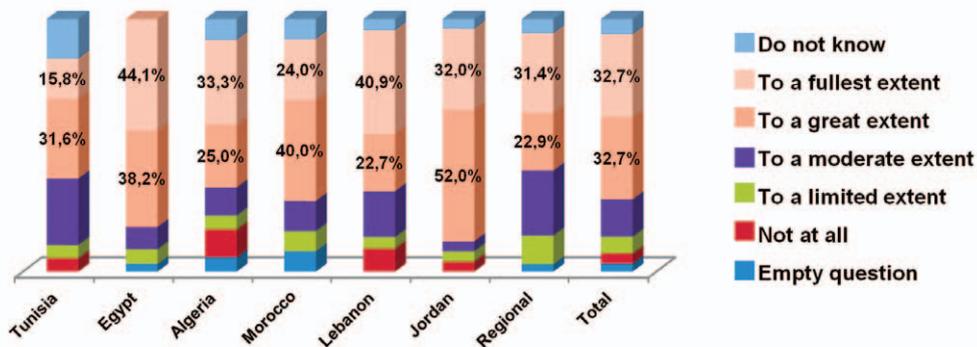
In conclusion, despite the modest percentages related to Gender incorporation in job descriptions and provision of training to enhance and institutionalise Gender awareness, 76.0%* of the respondents from whom 54.6% are women affirm that management in their organisation is committed to promoting female representation at senior levels. At country level, the highest level of responses affirming the existence of this commitment was in Jordan with 88.0%* --68.0% women--, whereas the lowest percentage was in Tunisia with 63.2%* --47.4% women--.

3.4. Parental - maternity and paternity- leave policy

32.1% of women from a total of 46.4%* of the respondents said that their organisation adopted flexible work arrangements, while 47.4% of them among 65.3%* of respondents said that a maternity and paternity leave policy does exist in their organisation.

The highest percentage of responses affirming the adoption of flexible work arrangements, including a maternity and paternity leave, was recorded in Jordan with 84.0%* with 68.0% of women whereas the lowest percentage was in Tunisia with 47.4%* comprising 36.8% of women.

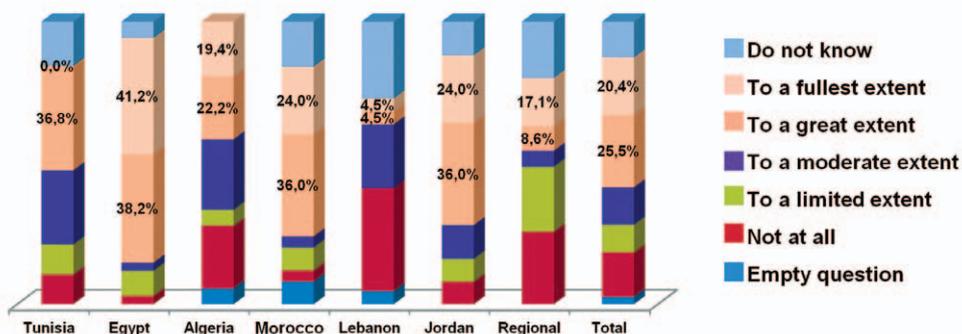
Figure 80: Parental - maternity and paternity- leave policy



3.5. Child & Dependent Care leave policy

45.9%* of all respondents including 31.6% women declared that a child and dependent care leave policy does exist in their organisation. The highest percentage was recorded in Egypt with 79.4%* from whom 58.8% are women, whereas the lowest percentage was in Lebanon with 9.1%* of all women of the sample, as herewith shown.

Figure 81: Child& Dependent Care leave policy



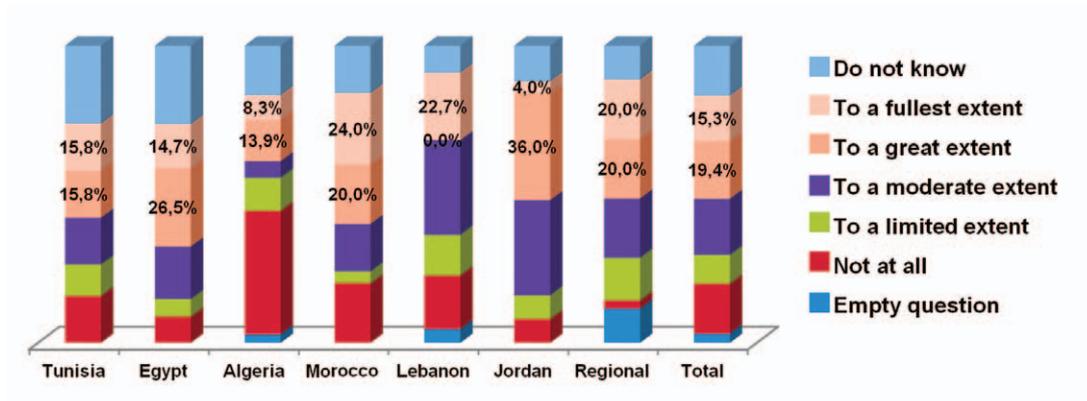
4. Advocacy, marketing and communication

The Gender sensitivity communication and advocacy campaigns implemented by the organisation are checked in this sub-category. This included evaluation of the impact of women's organisations and gender expertson advocacy policies and plans within the organisation as well as assessment to which extent gender was incorporated in communication, fund-raising and media strategies.

4.1. Impact of women's organisations on advocacy policies and plans within the organisation

About 35%* of the respondents with 27.6% of women consider that women's organisations and Gender experts advise and influence the advocacy and marketing policies and plans of their organisation. The various responses recorded at country level are not far from the overall average, except the lowest figure 22%*in Algeria and Lebanon.

Figure 82: Impact of women's organisations on advocacy policies and plans within the organisation



4.2. Gender in communications, fund-raising and media strategies

40.6%* of the respondents from whom 31.1% are women said that Gender is incorporated into the communication, fund-raising and media strategies of their organisation. Moreover, 46.9%* of the respondents --37.2% women-- said that a Gender perspective is reflected in the publications of their organisation.

The highest positive percentage of responses was recorded in Morocco with 56.0%*with 40.0% of women, whereas the lowest was in Algeria with 16.7%*from whom 5.6% are women.

5. Financial resources

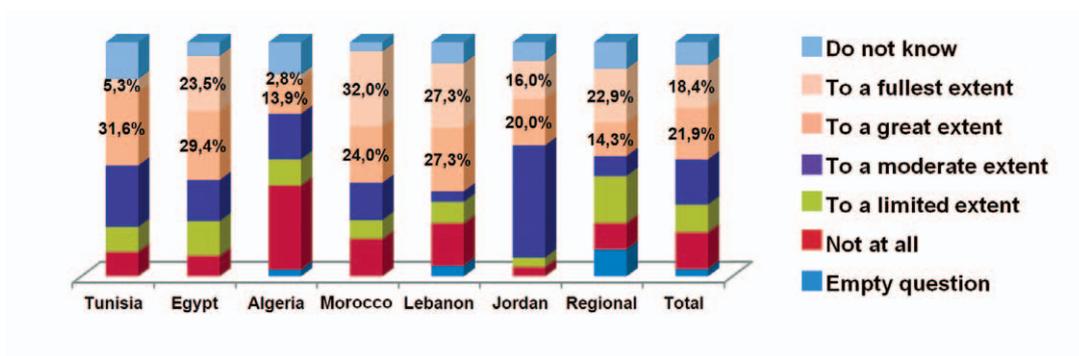
Lack of financial resources for Gender mainstreaming in project/programme planning is one of the main obstacles pointed out by respondents in the section of the report which reviewed the extent to which organisations are able to mainstream gender perspective at the programmatic level, with a focus on the invested resources to support adequately this process and achieve GEEW. Questions were also about allocation of special budget for Gender training of staff.

5.1. Allocation of adequate financial resources to support Gender mainstreaming/GM

Responses highlight that a limited number among the surveyed organisations allocate adequate financial resources to support their Gender work.

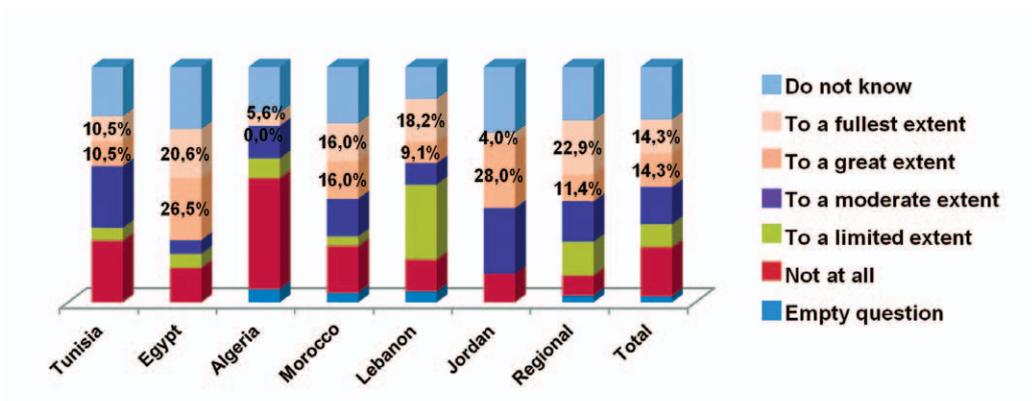
Only 28.6%* of all respondents with 24.5% of women indicated that their organisation allocates a great deal of financial resources for the operationalisation of its Gender policy with the lowest figure of 5%* for Algeria.

Figure 83: Gender in communications, fund-raising and media strategies



5.2. Allocation of special budget for training of staff on Gender

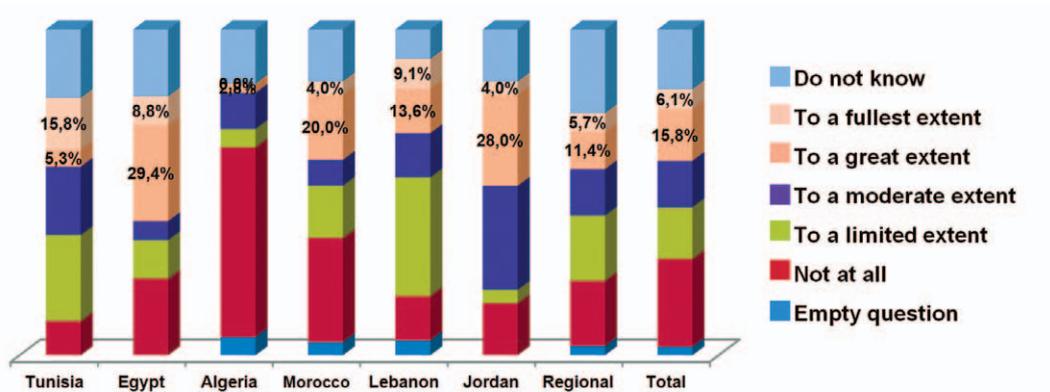
Figure 84: Allocation of adequate financial resources to support GM



In the same context, only 21.9%* of all respondents from whom 18.4% are women said that staff training in Gender issues is systematically budgeted for, in their organisation.

Various responses recorded at country level converge in terms of percentages, reflecting the low level of financial resources allocated to Gender training and other related activities, Algeria's figure being the lowest as in the other previous sub-categories.

Figure 85: Allocation of special budget for training of staff on Gender



6. Organisational Culture

This category is reviewing the level of Gender sensitivity through the assessment of the staff behavior, the organisational culture and related policy. 53.1%* of all respondents from whom 38.8% are women see that the staff's language, jokes and comments are Gender-sensitive.

Over 67.3%* of the respondents with 48.0% women said that in their organisation, there is no Gender stereotyping (e.g. "those Gender-blind men", or "those feminists,") expressed by individual staff members. Moreover, according to 45.9%* of them that includes 36.7% of women, their organisation has even adopted procedures to prevent and address sexual harassment.

As shown in Figures 86 and 87, results at country level indicate that 77.1%* of all respondents from regional organisations (51.4% women) said that the staff behavior is, to a great extent, gender-sensitive, which is the highest percentage recorded at country and regional levels. This percentage, however, drops to 34.3%* with 25.7% women, when it comes to the organisation's adoption of procedures to prevent and address sexual harassment.

The same Figures show that Tunisia and Algeria have the lowest percentages in terms of Gender-sensitive staff behavior, and that Tunisia and regional organisations have the lowest percentages as regards the adoption of special procedures to prevent and address sexual harassment within organisations.

Gender & Trade

Figure 86: Gender-sensitive behaviors within the organisation

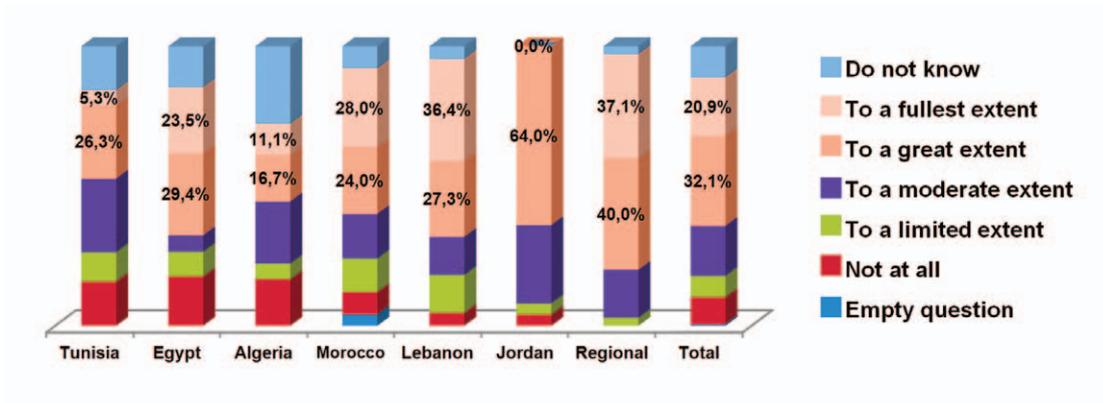
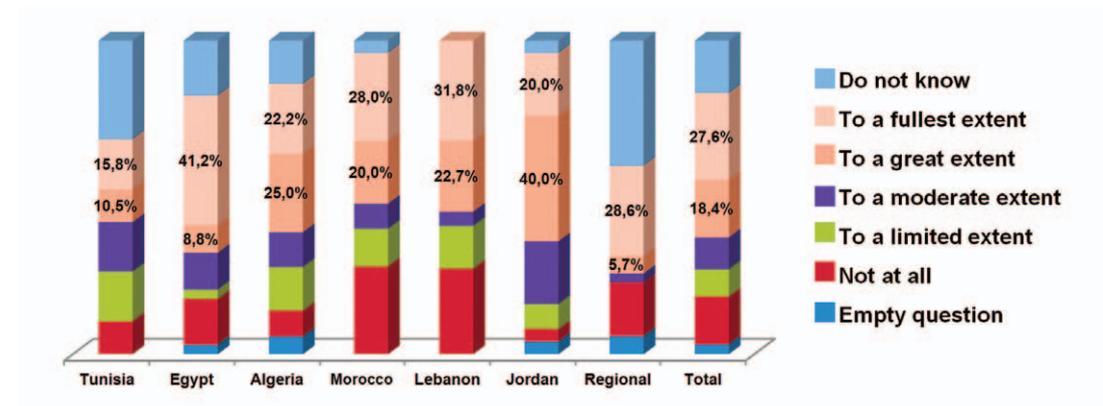


Figure 87: Procedures to prevent and address sexual harassment



Concerning the staff commitment to the Gender policy adopted within their organisation, 43.9%* of the respondents (35.7% women) indicated that the staff are, to a great extent, involved in the implementation of the Gender policy.

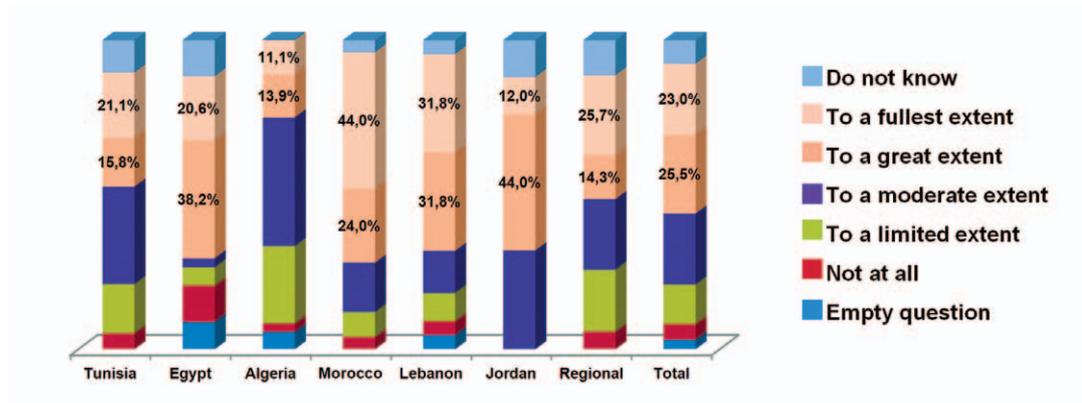
At country level, the highest percentage was recorded in Egypt with 55.9%* (52.9% women), whereas the lowest percentage was in Algeria and Tunisia, with about 36%*.

6.1. Discussion of Gender issues within the organisation

For 48.5%* of all respondents from whom 36.7% of women, Gender issues are taken seriously and discussed openly by men and women in their organisation. The highest percentage was recorded in Morocco with 68.0%* with 44.0% women, whereas the lowest percentage is in Algeria with less than 25.0%* with 11.1% of women.

Gender & Trade

Figure 88: Discussion of Gender issues within the organisation

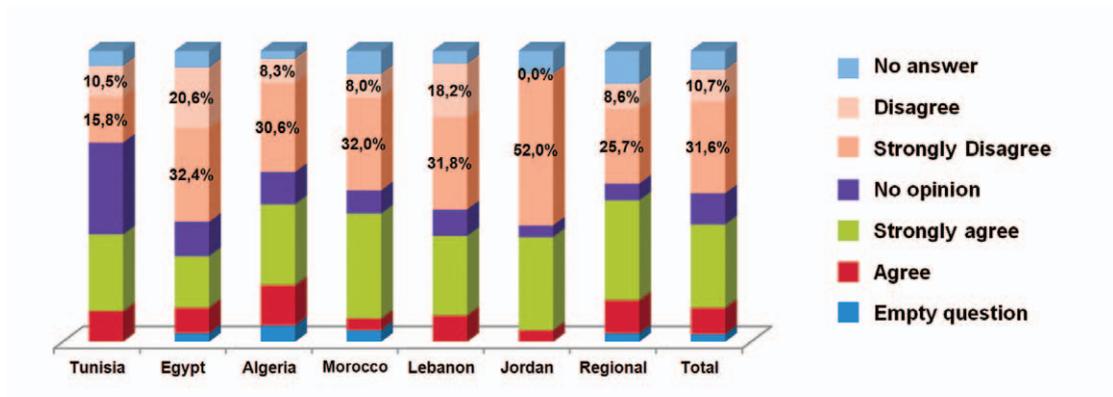


6.2. How men and women view Gender issues

Though Gender issues are freely discussed by the staff in the concerned organisations, 42.3%** of all respondents with 31.1% of women said that there is a gap between how men and women view/perceive Gender issues in their organisation.

As showed in the herewith figure, Egypt records the highest percentage, with 52.9%** of respondents among whom 41.2% are women, who noticed these differences with the lowest percentage in Tunisia with 26.3%** (including 10.5% of women). The remaining surveyed countries are close to the overall average.

Figure 89: How men and women perceive Gender issues



6.3. Reputation of the organisation as regard to Gender And Development/GAD

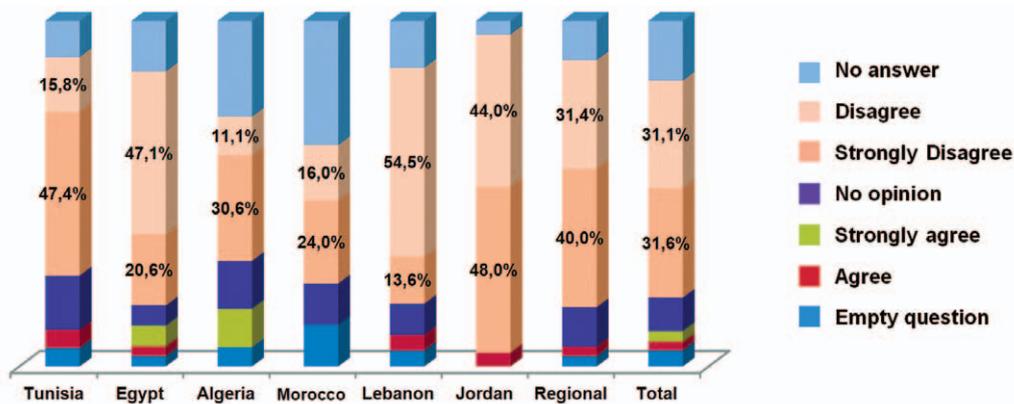
62.8%** of respondents from whom 46.9% women believe that their organisation has a reputation of integrity and competence on Gender issues amongst leaders in the field of GAD. The highest percentage of responses supporting this view was recorded in Jordan, with 92.0%** from whom 72.0% are women, whereas the lowest percentage was in Morocco, with about 40.0%** of respondents including 32.0% of women.

Other variables reaffirm the organisational culture but also contribute to the consolidation of the organisation's reputation as regard to GAD to only quote the enthusiasm of the staff about the Gender work they do or their belief that the promotion of Gender Equity fits into the image of their organisation.

In this context and despite the above gaps recorded between women and men in dealing with gender issues, 61.2%** of the respondents with 46.4% of women confirm that the staff in their organisation is, to a great extent, enthusiastic about the Gender work they do. The highest percentage was recorded in Jordan and regional organisations with 80.0%** including 55% of women, while the lowest percentage was recorded in Algeria with 66.7%** with 38.9% of women.

Besides, 74.5%** of the respondents from whom 53.1% are women consider that the Staff is convinced that the promotion of Gender equity fits into the image of their organisation.

Figure 90: Reputation of the organisation as regard GAD



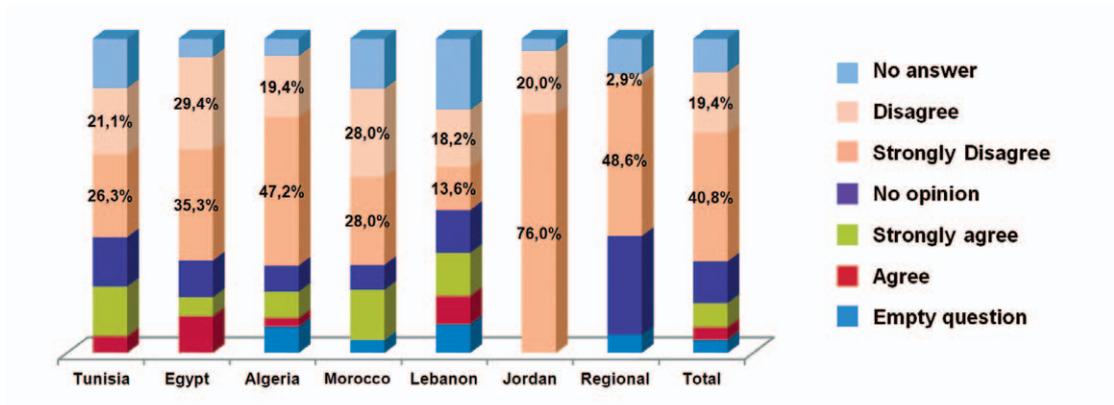
6.4. Working environment for women in the organisation

This sub-category has been analysed through two variables namely the extent of the organisation women-friendliness from one part, and the perception of men and women group regarding the work environment for women in their organisation.

Underlining the efforts made by their organisation towards achieving gender equality, 72.4%** of the respondents from whom 52.6% are women, consider that their work environment is friendly to them and that their organisation understands their problems, whereas 64.3%** of the respondents with 46.4% of women said that men in their organisation think that it is woman-friendly.

In the same context, 60.2%** of respondents with 40.8% of women indicate that the working environment in their organisation has improved for women over the past two years. Though the overall average is relatively high, several discrepancies are noted across the surveyed countries as herewith illustrated: 96.0%** of Jordanian respondents from whom 72.0% are women (the highest percentage), 51.4%** of respondents with 34.3% of women for Regional organisations, 47.4%** of Tunisian respondents from whom 36.1% are women and 32%** of Lebanese respondents with 27.3% of women (the lowest percentage).

Figure 91: Working environment for women in the organisation

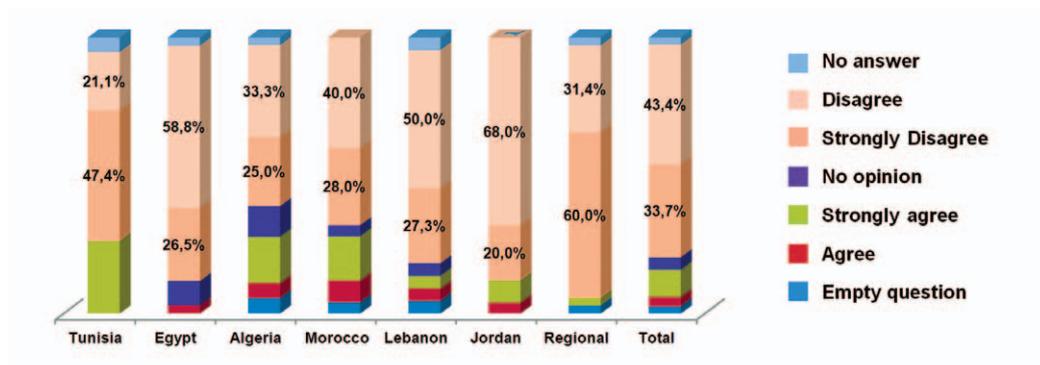


6.5. Organisational culture regarding the work of men and women

The overall trend is that 78.1%*** of all respondents including 12.2% of women consider that their organisation does not differentiate between the work of women and men and disagree with the fact that its dominant culture places a higher value on the ways men tend to work and less value on the ways women tend to work.

The highest percentage of the responses is noted at the level of the regional organisations, with about 91.4%*** while the lowest is in Algeria with about 58.3%.

Figure 92: Organisational culture regarding the work of men and women

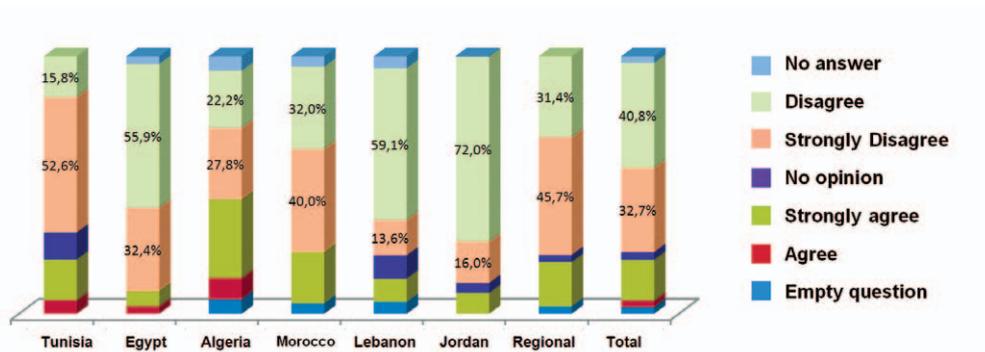


6.6. Male-dominated meetings in the organisation

Under this title are assessed the ways the meetings are conducted in the organisation, focusing on the usual way where men tend to dominate the proceedings. 73.5%*** of the respondents disagree with the idea that meetings in their organisation tend to be dominated by male staff. These practices were mostly opposed in Egypt with 88.2%***, whereas the lowest percentage of respondents was in Algeria with 50%***.

These results show that the proportions reflecting the existence of such practices within organisations remain generally low or moderate. However, 55.1%** of the respondents from whom 39.9% are women strongly believe that men have a much easier time establishing personal and professional networks within their organisation than do women, which could impact their participation or leadership including for and in meetings.

Figure 93: Male-dominated meetings in the organisation

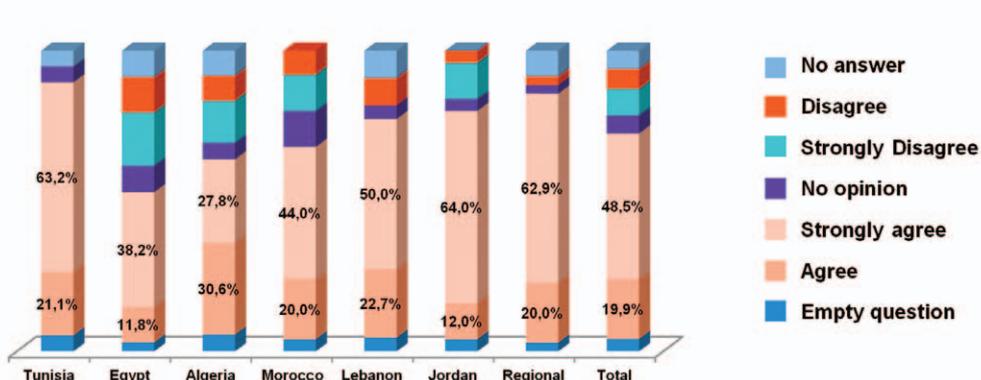


6.7. The organisation's efforts to institutionalise GEE

In regard to this category, the various percentages recorded at country level tend to be high, which highlight that respondents share almost the same views, despite the different but also specific difficulties each one of the surveyed countries experienced either in reference to their own context or the PRA exercise itself including its implementation process.

74.5%** of the respondents from whom 53.1% are women think, as their colleagues, that the promotion of Gender equity fits with the image of their organisation. However, and in the same context, 68.4%** of the respondents with 51.0% of women still consider that their organisation could do much more than currently to institutionalise Gender Equality and Equity.

Figure 94: The organisation's efforts to institutionalize GEE



In Conclusion/s...

The Pilot Rapid Assessment (PRA) covered more than 120 national organisations in six countries (Tunisia, Algeria, Morocco, Egypt, Lebanon and Jordan) as well as three Arab regional organisations (LAS, CAWTAR and AOAD).

The total number of respondents representing these organisations did not exceed 196 persons (72.4% women and 27.6% men). Through this small sample of organisations (39.3% governmental organisations and 60.7% non-governmental organisations) operating in eleven economic fields, the survey team sought to assess the extent to which the Gender perspective is incorporated at the programmatic and organisational levels within these organisations.

As these results mainly represent the perceptions of respondents in the different surveyed organisations and where the number was not statistically representative, especially at the national level, the findings of this PRA do not pretend to be generalised to the whole population of each surveyed organisation, all of them in a given country or for the country itself.

However, these results are acceptable as qualitative results and could be considered as tracks for refined orientations, well stated assumptions and potential indicators noting that many of them are consistent with the results of the Situation Analysis (Part I) and the GAAA exercise (Part II, Chapter II).

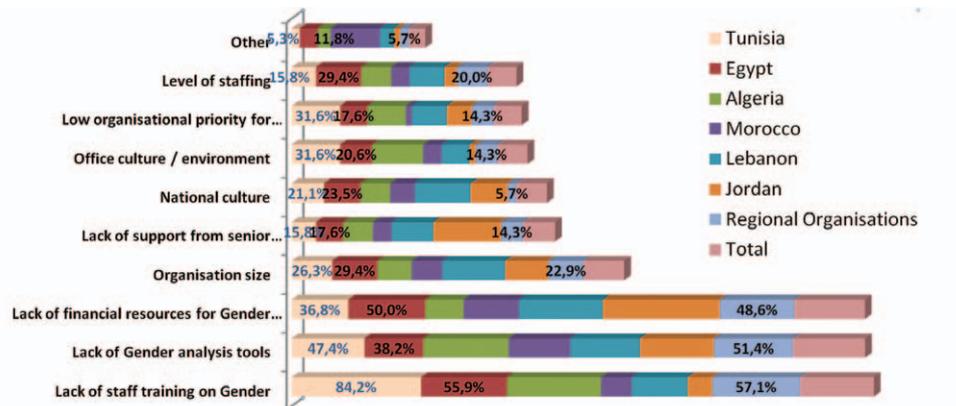
For instance, among all categories and sub-categories, it appears as relevant to look into the obstacles facing Gender mainstreaming in planning & programming which will allow to wrap up the state of art of gender work at its various levels and steps from one part, and to trace the tracks for potential ways to remove them from the other part.

Respondents asserted, with varying degrees, that their organisation faces obstacles to Gender mainstreaming in its implementation and evaluation. The largest proportion of respondents who said that their organisation faces obstacles to Mainstream Gender are from Tunisia, followed by Lebanon, Egypt, Algeria, and Jordan, then regional organisations, and finally Morocco.

Among these difficulties are quoted the lack of staff training on Gender, Gender analysis tools as well as limited financial resources for Gender programming.

Confirming the modest percentage of the organisations that have adopted a Gender Policy, the herewith Figure highlights the difficulties faced by organisations to incorporate Gender in analysis, programmes/project planning, programming as well as the M&E.

Figure 95: Obstacles to GM in planning, implementation and evaluation



The GA questionnaire was designed and implemented as an integral part of the GAAA to serve as an additional way for a more in-depth analysis of the situation. One of the purposes was to refine the methodology used in the context of the project taking into account the preliminary precautions taken from the outset not to say reservations, namely that the used GA questionnaire is above all a management, M&E instrument that must be used in the same organisation i.e. vertically and that intends either to adopt Gender Mainstreaming at institutional and organisation levels or to audit if what it is doing is correctly done.

Based on the above and as planned, the PRA results are also essential to support the conclusions and recommendations of this exercise and report within the overall approach and methodology (i.e. SitAn, GAAA) from one part but also pave the way for a larger survey and more in-depth analysis of the situation.

Indeed, not representative statistically but certainly usefull, the PRA collected data is both informative and indicative when it relates to the cross-cutting analysis of the various steps of this exercise starting from the SitAn; but also from the point of view of the respondents themselves, particularly when it concerns gender related issues that involve not only technical or professional dimensions but also refers to what is most personal to an individual in societal dynamics that are sometimes complex, full of contradictions and paradoxes.

In conclusion, the non-statistical representativeness does not preclude these findings from being significant for those, women and men, who responded to these questionnaires, committing and assuming themselves through sharing their experiences and expressing their feelings, views and perceptions.

* This rate combines respondents responding by "To a great extent" and "To a fullest extent"
 ** This rate combines respondents responding by "Agree" and "Strongly agree"
 *** This rate combines "Disagree" and "Strongly disagree" responses



OVERALL CONCLUSIONS AND RECOMMENDATIONS

OVERALL CONCLUSIONS AND RECOMMENDATIONS

The backdrop

This regional report synthesising in the limits of the duration of the project and capacity the state of art related to the true dilemma “Gender & Trade”. This initiative is the result of a common interest expressed by the Center of Arab Women/CAWTAR and the Swedish International Development Cooperation Agency/Sida as regard to the economic empowerment of women and more particularly their participation to and presence in Trade markets at national, regional and international levels. The pilot phase of the project “Empowering Women towards Gender Equality in the MENA Region through Gender Mainstreaming in Economic policies and Trade agreements” intends to produce data and information that show a correlation between the achievements of Gender Equality, Equity and empowerment of women in private and public spheres including in the economic area and participation in Trade. The purpose of the exercise is to set a baseline to support a more in-depth strategic thinking to take the more appropriate measures and build evidences to be used in advocacy, policy dialogue towards Gender Equality.

The problem/issue and related assumptions stand in the introduction were based on the available sex-disaggregated data which indicate the extent of Gender-Based-Discrimination women are facing in the MENA Region thanks to the gaps and ratio indicators that give the measure of this discrimination.

The situation is assessed as being more critical for some spheres comparatively to others such is the case of economic participation of women who encounter multiple obstacles and barriers in both public and private sectors, due to issues related to both public and private life.

It is confirmed that women in MENA countries are involved in trade but it is often a small-scale trade activity and a petty trading. The earned income is often used to support their reproductive role and improve economic resources of their family rather than used to grow their trade activities.

The reasons for underrepresentation are multiple: undoubtedly economic but also institutional (laws, regulations and practices) cultural and societal mainly due to the gender construction and distribution of labour. As a consequence, such limited access to and control of resources which include financial and productive resources result in time constraints, workload and difficulties of conciliation between professional and family obligations... Moreover, these barriers are the main causes for the small number of women-owned businesses that are in comparison to men-owned businesses’ less productive even if women are more and more present and recognised as important and even leading large family businesses (e.g. Tunisia, Morocco).

Therefore, how would it be possible to explain the existing gender gaps and related figures?

SECTION 1: CONCLUSIONS

Part I: Development and Human Rights: Gender Equality or Gender-Based Discrimination

1. Development indicators are human rights indicators and Gender Gaps are evidences of Gender-Based Discrimination

The collected sex-disaggregated data and indicators compared with the findings of analysis of national legislations from one part and with the international commitments of the region as a whole and each of the six countries under review from the other part confirmed that despite progress made, a number of concerns as identified throughout the process (SitAn, GAAA and PRA) need to be stressed.

Gaps in Development mean non realisation of Human rights: the defining and analysis of the status of rights is being then quantitative as well. Hence, in compliance with their international commitments, the State Parties have the obligation to respect, protect, promote and fulfil the human rights as stipulated by the conventions they have ratified and ensure that all citizens enjoy equally and without any kind of discrimination including Sex- and Gender-Based Discrimination.

Despite the recognised progress in relation with Gender Equality and other related indicators, the collected data shows that Arab states continue to rank in the bottom row of the general ranking, the first in the region being Tunisia at the 119th place and Yemen at the 149th place ranking out of 149 countries. Tunisia is progressing and Yemen remains at the same last place since the first publication of the GGGR in 2006 and its situation is far from getting better due to the effects of the war this country is undergoing.

In 2006, only 10 MENA countries were covered by the GGGR-WEF; the number increased through the years with some of them getting away for diverse reasons including unavailability of data, uprising or conflict (e.g. Tunisia, Syria) and coming back when circumstances improved while others joining at the same time. This year Oman re-enters the index and Iraq is integrated in the report for the first time. As indicated in the 2018 GGGR-WEF In terms of year-on-year progress, out of the 16 countries from the region covered by the Index in 2018, 10 have increased their overall scores compared to last year, while seven have decreased theirs.

Providing equal access to primary education is a key milestone that has been achieved by almost all MENA countries resulting today on more children in school in MENA than ever before. Indeed, the appraisal of access to education across MENA countries shows that most of them have made significant progress towards increasing children's school enrolment, attendance and completion at all education levels, yet gender disparity persists. In fact, challenges to secure equality and equity in access as well as the quality of education provided in terms of transferrable skills and credit transfer remains a major issue across the region.

The MENA region continues its progress as highlighted by many sources but continues to stagnate in the last places without counting the few countries that take a step forward and two steps back. In this context, the Arab states are far from having realised the Beijing (1995) minimum requirements in terms of women participation either in executive, managerial or elected bodies. For instance, as per the managerial positions, at least three MENA countries are among the four worst-performing countries (Egypt, Saudi Arabia and Yemen and Pakistan) that achieved less than 7%. While almost a quarter of the countries surveyed have reduced their gender gap by less than 10%, the four worst-performing countries that still need to fill more than 97% of their gap are in the MENA region (e.g. Kuwait, Lebanon, Oman and Yemen)⁽³²⁸⁾.

These gaps are even wider in participation in political and public affairs from one part and economic participation and opportunities⁽³²⁹⁾. Indeed, the same concerns are confirmed when comparing women and men's presence and participations in elected bodies. The IPU classification consists of the number of women members vs men in parliaments i.e. lower/single house and upper house/senate in 193 countries (The first ranked being Rwanda and the last Vanuatu). It includes 19 Arab states among which those covered by this report.

As demonstrated by national, regional and international sources, Gaps and Gender Gaps in particular are obvious across development areas and human rights as a whole. If current rates are maintained in the future, the overall global gender gap will close in 153 years in the Middle East and North Africa, which is bad comparatively to the 61 years in Western Europe but not too bad if compared to the 165 years in North America⁽³³⁰⁾

The conclusions aim to establish diagnosis based on causality analysis to identify the missed opportunities will focus mainly on:

- The best ways to do things is to do better Education
- Revisiting the women Economic and Trade participation with a business lens.

1. The best ways to do things is to do better Education

Education achievements placed countries from the region including those under review not too far from the first places in the world ranking. However quantitative ranking does not always means efficiency and productivity to only quote some of the education system's characteristics in the region as identified by evaluations conducted in the countries themselves, including in the different consultations during the implementation process of the project till the validation of its findings. They could be summarised as follows:

- The supremacy of girls at almost all education levels and in concerned countries, which could be considered as an asset but not necessarily since
 - any imbalance even to the benefit of women is certainly not a realisation: equality should not mean a winner and a loser and,
 - because of gender construction, any sector where women are the majority, which is to say where there is a feminisation of a sector, it will lose its social "value" since being considered as "something for girls and/or women..."

328. The GGGR-WEF, 2018

329. see PART I, Chap I

330. The GGGR-WEF, 2018

- The issue of the quality of education thanks to the democratisation of the education and due to the demographic characteristics of the school population at all levels: in some countries, classrooms can have up to 50 pupils.
- The Education system is maladjusted to the needs of labour market due to the lack or required and innovative skills with high joblessness rates particularly among women.
- The direct consequences are the dispersion and loss of Human Capital including the brain drain these countries experience, with their educated population looking to other horizons for survival and self-realisation.

1.1. Innovative Education Outcomes and Skills & Entrepreneurship

Fostering innovation in education is a key catalyst to change economic systems from managerial to entrepreneurial. The countries' score on patents means that education outcomes align with the demands and skills of trade and business management. Innovation can provide a link between education outcomes and entrepreneurship.

The case of women entrepreneurs in MENA shows that 52% of female Total Entrepreneurial Activities/ TEA is either run or launched by women with post-secondary degree or higher, compared to the average of 14% among factor-driven economies. This percentage, however, may not accurately reflect the situation in selected countries under review. For instance, less than 8% of women entrepreneurs in Jordan have a higher education level, while more than three-fourths are at this level in Qatar. In Lebanon, almost a third of those with Technical or Vocational attainment were engaged in starting a new business, compared to less than one in five of those with Primary or Secondary educational attainment⁽³³¹⁾.

On the Global Innovation Index of 2018⁽³³²⁾, only Tunisia was on the list of high achievers that year with a score of 66 among countries across the MENA region, while Yemen ranked at the bottom of the list. The overall economic performance of countries and the budget allocation to foster innovation in education and infrastructure play an important role in ranking the countries on the global index. There is also a correlation between innovation score and trade ecosystems. Tunisia also scores a high ranking as an attractive destination for starting up business, although it remains below the UAE and Bahrain.

Female entrepreneurs in Jordan and Lebanon cited “learning financial and management skills” as the second most important challenge they faced in starting-up and doing business. Most female entrepreneurs expressed interest in receiving external training (soft & hard skills) and support services, believing it would be helpful in managing the growth of their enterprises. A growing demand was also reported for receiving more information on how to access new markets at home and abroad and how to use technology to grow a business⁽³³³⁾.

Egypt's score in entrepreneurship education at the post-school stage is 3.1 (ranking 62nd), compared to a global average of 4.5, and efficiency-driven economies average of 4.5. In both areas, entrepreneurship education in Egypt ranks at the bottom of all the Global Entrepreneurship Monitor/ GEM countries⁽³³⁴⁾.

331. Global Entrepreneurship Monitor 2016: MENA Regional Report

332. <https://www.globalinnovationindex.org/gii-2018-report>

333. IFC CAWTAR 2014

334. Global Entrepreneurship Monitor 2015: National report – Egypt <https://www.gemconsortium.org/economy-profiles/egypt>

The trend across the MENA region shows that while women with college degrees and above may have more career possibilities, they may nonetheless seek opportunities they want to pursue, or they may have a preference for starting and running their own businesses. In general, there is a negative relationship between education and female entrepreneurship: Entrepreneurs are less likely to have a post-secondary or higher level of education compared to non-entrepreneurs⁽³³⁵⁾.

Furthermore, developing entrepreneurial skills centered on attitudes (soft skills), such as persistence, networking and self-confidence as well as on enabling skills (hard skills), including basic start-up knowledge, business planning, financial literacy, and managerial skills, reported as “high priority” areas of enhancement among women business owners. The lack of smart policies that encourage building foundations for innovative learning and skills acquisition, through improved quality of inputs, teaching and learning approaches, and improved governance of education institutions, is also a persistent challenge across the MENA region.

Educational institutions should equip individuals with the skill sets to make use of entrepreneurial opportunities. This is in addition to the importance of efficient IT infrastructures in reducing the cost of business, increasing market reach, improving access to information, and allowing for innovation⁽³³⁶⁾.

Developing an effective entrepreneurial ecosystem in which multiple stakeholders play a role in facilitating entrepreneurship is the only way to overcome this barrier⁽³³⁷⁾. This is a system of mutually beneficial and self-sustaining relationships involving institutions, people and processes that work together with the goal of creating entrepreneurial ventures. It includes business (large and small firms, as well as entrepreneurs), policymakers (at international, national, regional and local levels), and formal (primary, secondary and higher education) as well as informal educational institutions.

1.2. Education and Human Capital Development ⁽³³⁸⁾

Human capital refers to the skills, knowledge, and experience possessed by an individual or population, viewed in terms of their value or cost to an organisation or country. Stock of knowledge, skills, habits, social and personality attributes including creativity all form part of the human capital that contributes to the creation of goods and services. They are embodied in the ability to perform labour so as to produce economic value. Human capital also relates to the production factors (land, labour, capital and enterprise), coming from human beings used to create goods and services.

For the World Economic Forum, the “Global Human Capital: Preparing people for the future of work” report, 2017, Human Capital is defined as “the knowledge and skills people possess that enable them to create value in the global economic system. This focus has been chosen specifically so that the Index quantifies key concepts and provides a practical tool to policy-makers and business leaders”. As clearly stated in the report’s title “Preparing people for the future of work”, the authors consider that the methodology behind the rankings is intended to serve as a basis for time-series analysis that allows countries to track progress, relative to their own performance as well as that of others. This is also the purpose of this report on gender & Trade.

335. Global Entrepreneurship Monitor 2016: MENA Regional Report

336. Global Entrepreneurship Monitor 2016: MENA Regional Report

337. UNCTAD 2013 A Survey on women’s entrepreneurship and innovation http://empretec.unctad.org/wp-content/uploads/2015/01/UNCTAD_DIAE_ED_2013_1.pdf

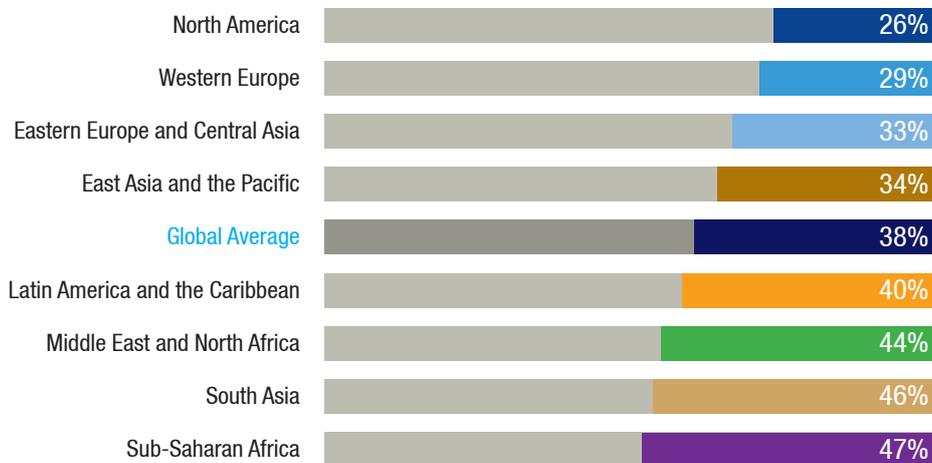
338. This paragraph is based on the information and data provided by the World Economic Forum in its report, The “Global Human Capital: Preparing people for the future of work” report, 2017

The provided numbers and data show that human capital development across regions varies tremendously and in great effect related to the economic landscape. The MENA region, comprising 12 Arab States in this report, is one of the most disparate regions in the Index—spanning three income group levels; Except Lebanon which is not covered in the WEF report.⁽³³⁹⁾ The 5 countries under review namely Egypt, Jordan, Tunisia and Morocco are classified in the category of Lower-Middle Income countries (USD 1,006 to USD3,995) and Algeria in the category Upper-Middle Income (USD3,996 to USD12,235)⁽³⁴⁰⁾.

Some of the Arab states are ranging in scores from those that are in line with high-income economies in Western Europe and elsewhere to those more in line with the worst-performing countries in Sub-Saharan Africa. Indeed three gulf states—the United Arab Emirates (45), Bahrain (47) and Qatar (55)—outperform the rest of Arab countries across the region in terms of human capital development, benefitting significantly from the strong perceived quality of their education system due in part to strong economic performance⁽³⁴¹⁾.

Nonetheless, strong economy alone is not enough, socio-cultural dimensions play a huge role in persisting gender gap, such as Saudi Arabia, the Middle East and North Africa region’s largest economy for instance, which is ranking 82 on the overall index showing other factors at play. The North African countries namely Algeria (112), Tunisia (115) and Morocco (118) make up the lower end of the regional rankings, ahead of Mauritania (129) and Yemen (130).

Figure 96: Gap in Human Capital Development by Region, 2017



Box 23

“Human capital is a key factor for growth, development and competitiveness (...). Learning and working provide people with livelihoods, an opportunity to contribute to their societies and, often, meaning and identity...”. because human capital is critical not only to the productivity of society but also the functioning of its political, social and civic institutions, understanding its current state and capacity is valuable to a wide variety of stakeholders”.

339. Global Human Classification Index 2017, Income Classifications (Table A2), World Economic Forum The “Global Human Capital: Preparing people for the future of work” report, 2017 http://www3.weforum.org/docs/WEF_Global_Human_Capital_Report_2017.pdf

340. Global Human Classification Index 2017, Income Classifications (Table A2), World Economic Forum The “Global Human Capital: Preparing people for the future of work” report, 2017 http://www3.weforum.org/docs/WEF_Global_Human_Capital_Report_2017.pdf

341. Global Human Classification Index 2017, Income Classifications (Table A2), World Economic Forum The “Global Human Capital: Preparing people for the future of work” report, 2017 http://www3.weforum.org/docs/WEF_Global_Human_Capital_Report_2017.pdf

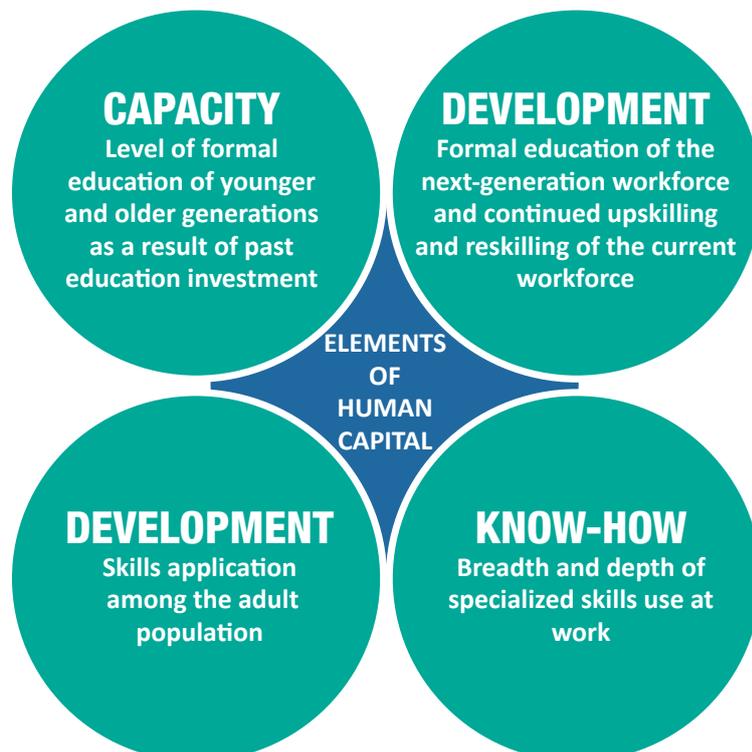
For the authors, human capital—and the scoring criteria of the Index— needs to be understood has a notion that “it is neither through “cheap labour” nor through attracting a narrow set of the “best and the brightest” and winning a “war for talent” that countries can optimize their long-term human capital potential, but through building up deep, diverse and resilient talent pools and skills ecosystems in their economies that allow for inclusive participation in good quality, skilled jobs by the largest possible number of people” with no exclusion or discrimination including against women who represent 50% of this capital.

For the WEF-Human capital report, there are at least four distinctive aspects to the notion of human capital:

- The Capacity subindex, measuring the human capital built through past education investments,
- The Deployment subindex, which measures the extent to which countries are developing human capital through deployment in the labour market,
- The Development subindex measures countries’ current success in building the human capital of their next-generation workforce as well as in continual upgrading the human capital of those people already in the workforce through lifelong learning,
- The Know-how subindex captures the current quality and skill-intensity of employment in a country and the extent to which its workplace environment is likely to create additional learning opportunities.

They are conceptualized and understandable in the herewith figure.

Figure 97: Elements of Human Capital



As showed in the herewith table, the top globally is the Norway. The United Arab Emirates spearhead the 12 Arab States covered by this report being the only country from the region that successfully combine efforts to build a broad and diverse future talent pool with attention to quality and inclusivity. Yemen is at the last rank out of 130 countries covered by the WEF-Human Capital Report, 2017.

As reported in the hereunder table Jordan (86) is the first among the 5 countries under review followed by Egypt (97), Algeria (112), Tunisia (115) and Morocco (118) making up the lower end of the regional rankings.

Table 42 : Human Capital Index 2017 for the countries under review ⁽³⁴²⁾

	Human Capital Index		Capacity		Deployment		Development		Development	
	Rank	Score	Rank	Score	Rank	Score	Rank	Score	Rank	Score
Norway	1	77.12	13	80.46	24	73.18	6	82.63	6	82.63
UAE	45	65.48	91	60.36	69	64.91	19	75.82	19	75.82
Jordan	86	58.15	46	73.6	129	35.3	56	66.6	45	57.2
Egypt	97	55.99	80	64.6	126	46.0	86	58/7	50	54.7
Algeria	112	51.51	51	72.3	102	57.9	24	73.8	56	63.3
Tunisia	115	50.76	110	48.1	127	42.3	78	61.8	73	50.9
Morocco	118	49.47	106	49.4	121	50.1	99	53.9	108	44.5
Yemen	130	35.48	122	34.95	130	34.16	130	34.39	127	38.43

Out of the 12 Arab states from the MENA region, three gulf states—the United Arab Emirates (45), Bahrain (47) and Qatar (55)—outperform the rest of the region’s Arab countries in terms of human capital development, benefitting significantly from the strong perceived quality of their education systems, and scoring in the mid-range of countries ranked in the Index overall. However, relative to their income levels these countries have additional opportunities to further boost their human capital performance, reporting some of the lowest skill diversity scores and tertiary and vocational enrolment rates in the Index. Similarly to other economies in the region, it is held back, however, by low human capital outcomes across the Deployment subindex, due in large part to significant employment gender gaps.

In fact, this report makes possible to compare the incomparable. For instance, Saudi Arabia (82), the Middle East and North Africa region’s largest economy, ranks ahead of Egypt (97), its most populous one. While Egypt scores ahead on the Know-how subindex, as home to one of the region’s most diversified economies and labour markets, Saudi Arabia’s efforts to expand its future human capital potential are in better shape in terms of education quality and staff training, for which Egypt ranks near the bottom of the Index on both indicators. Both countries suffer from high unemployment rates among its young generation and have high employment gender gaps, pointing to both countries’ additional untapped human capital potential.

342. See table 2: Global Human Capital Index 2017, Detailed rankings World Economic Forum The “Global Human Capital: Preparing people for the future of work” report, 2017 http://www3.weforum.org/docs/WEF_Global_Human_Capital_Report_2017.pdf

For example, Kuwait (96), with a GDP per capita nearly eightfold higher, performs at a comparable level to Egypt, highlighting that economic factors alone are an inadequate measure of a country's ability to successfully develop their human capital. While the region's overall average score of 55.91 masks some of these significant differences in countries' circumstances, it also points to opportunities for countries to learn from one other across the region.

Gender gaps in secondary school participation and youth unemployment continue to be widespread in a number of countries, risking a lasting impact on the workforce of the next generation. All countries will need to undertake additional efforts to fully realize their people's ability to shape and thrive in the emerging economic environment of the Fourth Industrial Revolution.

Box 23

Human capital is a key factor for growth, development and competitiveness. This link works through multiple pathways at the individual, firm and national level. Learning and working provide people with livelihoods, an opportunity to contribute to their societies and, often, meaning and identity. Workers' skills lead to productivity and innovation in companies. At the national level, equality of opportunity in education and employment contribute to economic development and positive social and political outcomes.

2. Legal Rights are not always human rights and Human Rights are not always legalised

Legal rights instituting equality and equity and in some cases setting up affirmative actions and measures to empower women in order to reduce disparities are to a certain extent, even modest, a palpable reality in the public life of citizens but not of their majority, particularly women.

2.1. *Women in public life: participation and decision making*

Theoretically and legally, women are entitled to rights in public and political participation equally with men but in practice indicators are here to demonstrate the opposite.

Although most countries have adopted the principle of equality in their Constitution and laws or set specific measures to reinforce women participation in political and public affairs, gender-balanced representation is far from being achieved in the three branches of government: executive, legislative and judicial. Efforts to achieve and sustain women's empowerment in politics and public affairs will only be successful if an effective governance system that includes rule of law and accountability is put in place. This implies also an increased capacity to design transparent, open and gender-sensitive legal frameworks. Engaging civil society in this process is also of utmost importance, so as to ensure an inclusive and comprehensive approach to policy-making.

As a matter of fact, legal frameworks, either because they are not properly enforced or due their discriminatory provisions, still do not provide sufficient support to eliminate the glass ceiling for leadership to allow strong female representation in leadership that will in turn promote stronger and more inclusive growth.

Such improvement will also positively impact the public perception and credibility of authorities and elected bodies at national and local levels to the outside world, and thereby encourage a more diverse men and women dynamics to come forward for a role in public life. Moreover, women's equal access to decision-making positions in public life is a crucial driver for competitiveness, inclusive growth and citizen well-being. Inclusive decision-making bodies are more likely to take an inclusive approach to policy and citizen-oriented service delivery⁽³⁴³⁾ including in the economic sphere.

2.2. Women in economy and trade

Starting from the constitutions and in almost all areas of concern, countries refer systematically to the principle of equality in enjoying economic rights, both legal rights and human rights, and related opportunities such as in labour laws as a guarantee for equal access to employment opportunities and social protection benefits as well as access to and control of resources including right to property and inheritance.

Certainly, equality is guaranteed by law at work and in wages however some provisions considered to be in favor of women are in fact gender negative, reinforcing the traditional gender division of labour, roles and stereotypes as regard to women capacity and potential. Indeed, some legal provisions encourage women for an early retirement in some countries at the time they become more available for a career. They are also proposed, for instance, full end of service benefits if they end their work contract due to marriage within one year or are allowed to work half-time while obtaining two-thirds of the salary. Such provisions exclude women from labour market and deprive them from a professional career.

In addition, the allowances in the salary depend from the social status (single vs married) based on a, "adaptable" gender distribution of roles and tasks which is institutionalised in the legal framework differently from the public to the private sphere. In most cases, men are the ones who benefit from the family, children and "wife at home" compensations --supposed to be reproductive tasks--, because there is a primacy of the breadwinner role of men. Law is reinforcing discrimination against women and jeopardizing the principles of "any work deserves salary" or "equal pay for equal work". Indeed, women stay at home to take care of the family but the husbands benefit from the "women at home" and children's compensations. Married and mothers, women are still treated as single women in labour and taxation laws, even if they are household heads. They must go through the courts to be recognized as such.

Most Arab countries limit women's rights to work by time and place. They consider women and children to be at the same level, and prohibit them from working during certain hours, in what is termed as night work (with the definition of the night shift varying from one country to another), and from what is defined as hard or hazardous work, above or below the ground. Justifications range from women's capacity and nature to the protection of their health or morals. Most laws refer to

343. OECD-CAWTAR: "Women in Public Life: Gender, Law and Policy in the Middle East and North Africa", 2014"

exceptions by often referring to the public interest, although they do not define or specify what public interest means. This term is used to give credibility to other justifications such as the authority of the legislator to revoke one of the rights for the benefit of a superior one, which means that public interest may supersede private interest and equal rights of women and men.

Indeed, women are not impeded from owning or managing land or other real estate property. Yet by religious law and social custom, women have the right to own property (land and otherwise) and are entitled to financial support from their husbands or male relatives even if they have their own resources and incomes. Concerning the right to inheritance, women have the right to inherit according to sharia distribution rules⁽³⁴⁴⁾. However the rules that are applied are either selected or interpreted to give the primacy to male's financial interest but not necessarily based on the legitimate inheritance rights of women taking into account their different positions in the family or the evolvement of gender distribution of roles.

Many of the women's rights are not realised in almost all countries of the region. In countries where religious minorities are allowed to implement their own laws in personal status matters, inheritance rights may vary per confession. Usually women face pressure from family and sometimes the threat or blackmail especially by male members to withdraw the advantage of their rights howsoever (real estate, money...) but especially land. The male of the family considers that land should not be parceled out to foreign persons referring clearly to women's husband and children. It has been reported that sometimes girls have to sign a paper in that sense so their family will agree to marry them. Background of many cases of assassination of women in the name of honor is an inheritance issue.

All laws, decrees, rules and regulations (e.g. commerce, investment, customs, taxes...) related to economic development and activities as well as Trade that have been reviewed do not contain any discriminatory provision or even refer to men and women. They are very technical and should be considered as gender blind. This could be the reason that women despite their entry in business sphere remain almost invisible and more particularly when it concerns access to national, regional and international markets except when they have the chance to be accepted and recognised as businesswomen, equally with their father or brother/s, in the family business of a certain importance. Trust, the key to a favourable investment climate and business development, strongly depends on the extent to which decision-makers reflect the composition of society, including in terms of equitable gender distribution of roles and duties from one part and equal benefits from the same labour, from the other part.

3. National Policies are not always implemented and national and international legal commitments not always respected

Last and not least, almost all countries in the region including the ones under review have developed National Policies and/or Strategies and conducted legal reforms based on a clear vision as regard to the necessity to integrate women as a citizen into the national dynamics to contribute to and benefit from the development equally with men and in parallel fight against discrimination against women including institutional and Gender-Based Violence.

344. Noting at least 25 ways can allow women to inherit equally with men or more than them

However, despite of the national and international commitments of the States, policies and strategies, programmes and services are developed mainly thanks to cooperation and partnership commitments and adopted but not necessarily supported by national resources. Indeed, assessment and analysis of the situation confirmed that the financial and technical efforts invested are far from being sufficient to translate these policies and strategies into women and girls' real life. No national budget is fairly allocated to the policies and strategies and the gender budgeting initiated in some of the countries remains at the level of training or advocacy activities.

Box 24

Laws and practices in the Arab states as over certain regions in the world still demonstrate that overt or latent, Gender Based-Discrimination and consequent gaps are de jure and de facto reality in the life of women in the MENA region as a whole, with a variation from a country to another and as found in the six countries under review namely Algeria, Egypt, Jordan, Lebanon, Morocco and Tunisia. Such institutionalised Gender-Based-Discrimination prevents women from enjoying their legal and human rights, reducing their chances of fully participating in society, in economy and development, particularly when and where accountability and rule of law are either inexistent, weakly applied or not respected at all.

Part II: Gender & Trade in the Mena region

1. Doing Business, Gender & Trade across MENA region

The latest data from the World Bank (2018) on the ease of doing business shows a substantial difference in scores among economies in the MENA region. The importance of examining the business climate is based on the premise that private sector development should support female entrepreneurship by removing barriers to the development of women-owned enterprises⁽³⁴⁵⁾.

According to the World Bank report on ease of doing business (2018)⁽³⁴⁶⁾, only the UAE has been ranked among the 50 highest-ranking economies. It is worthy to note the selection of 50 highest ranking economies of 190 countries surveyed including 13 from Europe and Central Asia, 5 from East Asia and the Pacific, 2 from Sub-Saharan Africa, and with only one in Latin America and the Caribbean and one in MENA.

On average, the regional ranking is 115th and the score is 56.72. UAE is leading the ranking with spot on 21, while Yemen is at the bottom of the regional list, ranking 186th. GCC countries still dominate the top spots on the regional level⁽³⁴⁷⁾. In recent years, both Morocco (Rank 69) and Tunisia (Rank 88) have introduced reforms to the ease of doing business that reserved them a spot above: Egypt ranks 128th, higher than Lebanon (Rank 133) and lower than Jordan (Rank 103), Algeria is at the highest (166) among the 6 countries under review (166). Nonetheless, the MENA region remains among

345. SIDA: Women's Economic Empowerment: Electronic Resources. September 2018. www.sida.se

346. World Bank. Doing Business 2018 Reforming to Create Jobs <http://www.doingbusiness.org/content/dam/doingBusiness/media/Annual-Reports/English/DB2018-Full-Report.pdf>

347. Bahrain (Rank 66), Oman (Rank 71) and Qatar (Rank 83).

the regions with a relatively small share of reform of economies (65%) noting that Egypt introduced economic reforms as part of the IMF loan package.

In terms of reforms implemented to facilitate trade activities across borders, MENA countries made a modest performance (9%) compared to other regions implementing reforms making it easier to trade across borders in 2016/17, such as Sub-Saharan Africa (46%), East Asia and the Pacific (18%), and Latin America and the Caribbean (15%).

MENA countries are still struggling to make information and data on trade activities available to the public. Access to corporate information and the digitalization of business registries are among the challenges facing most of the economies of the region. Only 60% of businesses across MENA countries can be found by online searching, placing the MENA region at the fifth spot among seven regions covered by World Bank. The quality of data plays an important role as well. Although basic data such as company's name and year of foundation is available in most cases, sex- disaggregated data for instance is impossible to find online and requires in-person authorization.

The regional average for the number of procedures needed to start a business in the MENA region is 7.7, less than Latin America and Caribbean (8.4) and higher than OECD high-income countries (only 4.9). Algeria has the longest procedural process among MENA countries (12) while UAE has the least number of procedures (4). This perhaps explains why UAE has managed to attract, and remains doing so, businesses from across the globe.

The regional average of time it takes to start a business in the MENA region is 18.6 days, twice the number of days it takes to start a business in OECD high-income countries, and less than the number of days in Latin America and the Caribbean (31.7 days). The regional average cost to start a business across the MENA region is 18.8% of income per capita, lower than Latin America and the Caribbean (37.5). In OECD high-income countries, starting a business requires only 3.1% of income per capita.

Most female-owned enterprises across MENA countries are categorized as micro- or small enterprises. Usually, businesswomen operate their enterprises mainly in the informal economy and are almost invisible in competing with large and medium enterprises. Consequently, businesswomen tend to continue being small actors in the economy, and have difficulties moving on to the level of growing and sustainable business. They face multiple obstacles that diminish their opportunities and potential as businesswomen and entrepreneurs⁽³⁴⁸⁾ but also as traders.

In the MENA region, 36% of women claimed to discontinue business due to unprofitability, 13% for lack of finance, and 51% for other reasons. Established business ownership among women is the lowest in MENA. This region reports the widest gender gap, where women run established businesses at one-third the rate of men. Among entrepreneurs in MENA, women report high innovation levels and are 60% more likely than men to state their offerings are innovative⁽³⁴⁹⁾.

In MENA, start-up rates among women are low, and mature business ownership is even lower (3 percent). The Middle East saw a 19 percent decrease in female established business rates. Interestingly, these, however, have had small effects on the gender ratio, based on the fact that male established business rates also declined in these regions.

348. Women's Economic Empowerment: Key Issues and Policy Options https://www.sida.se/contentassets/a7f86b2b8a774b0dacb7bce5f689dae5/womens-economic-empowerment-key-issues-and-policy-options_296.pdf

349. Global Entrepreneurship Monitor 2016: MENA Regional Report

Relatively narrow gender gaps are seen on either side of the development spectrum, where in Qatar (innovation-driven) and Saudi Arabia (factor-efficiency transition stage) women start businesses at over three-fourths the level of men. MENA and Asia reported a decrease of 8 percent and 9 percent, respectively⁽³⁵⁰⁾.

Across MENA countries under review, women's access to land, assets and property is done usually through a male relative, usually father, brother or husband. In some countries, the male relative has the legal status of "Guardian", and his consent is mandated by the law in order to proceed with any contractual agreements⁽³⁵¹⁾. The theoretical reading of legal texts show that women have equal legal capacity to own land and enter into financial contracts without the need for spousal consent or guardian's approval. In practice however, things are different.

Registering the land jointly as a married couple would allow women to automatically retain ownership of their portion of the property, and they would be entitled to inherit further shares of the property from their husbands' portions of land. Yet, despite the fact that there are no legal restrictions on joint ownership of assets, such arrangements are the exception. For example, land obtained during or prior to marriage can be jointly registered to both spouses, but this is not the norm.

Women entrepreneurs often have less experience than men dealing with complicated procedures, including financial arrangements, and little information about sources of funding. 13% of businesswomen across the MENA region have reported that lack of access to formal funding and credit was the main reason for missing business opportunities and not reaching their potential entrepreneurial levels.

Businesswomen across MENA countries, compared to peers from other regions, face a greater risk of discontinuing their business due to circumstances outside the locus of their control, even though in theory, as highlighted above, the law grants men and women the same equal ownership rights to immovable property. Socio—cultural norms hinder women's ability to fully exercise their ownership rights.

2. The GAAA of Trade Agreements and Economic Policies, strategies and programmes

Main conclusions of the application of the GAAA tools to trade agreements and economic policies and strategies when available (see Part II, Chapter II) revealed following:

- The results across countries are almost the same, which recognise the pertinence of CAWTAR's choice to develop harmonised approaches, methodology and tools despite some noted variations from a team to another.
- One exception is related to some differences assessed in the GAAA findings of the Egypt and Tunisia COMESA agreements that could relate to the contextualization in each concerned country. Yet, it is important to also highlight that nuances in the assessment, audit and analysis from gender and human rights perspectives have also to be linked either to the gender capacity of some team members new arrivals in this area and/or sensitiveness not to say "faith" on gender equality. Sometimes it was more than resistance "You (i.e. women) took

350. Global Entrepreneurship Monitor 2016: MENA Regional Report
351. OECD 2014/2017

Gender & Trade

- everything. All you have to do now is to pick up men's business and markets" dixit one male consultant to his peer? He wasn't the only one... among the 13 members of the GAAA teams.
- The right-specific language in the trade agreements is mainly related to contractual rights even when it relates to equality or non-discrimination. No consideration is assessed as regards Gender and Human Rights of women and men in trade agreements classified as "Gender-blind" for most of them or GHR "neutral". Very few of them are partly "Gender-sensitive" in their analytical part, and partially "Gender-informed" and "Gender-responsive" in their programmatic part but still generously assessed and analysed.
 - Explicit reference to women through devoting a paragraph or a chapter to the role of women in the economy and public affairs or in the economic sphere does not mean "Gender-sensitiveness" and certainly not transformative, due to the poor reference –or absence- to the principle of equality which is not gender specific. As a matter of fact, almost all references to women in the Trade agreements do not consider them as partners to the agreement itself but target them as related to the necessity to pay attention to their education, health or economic income not as active actors but as passive beneficiaries –and not right holders-.
 - In the conditions for eligibility, there is no consideration for the activities carried out by women and there is no mention of positive discrimination in the selection criteria. Preference is for a competence-based approach. Some good practices however have been highlighted, supporting women's entrepreneurship in the field of trade in the final selection process for certain projects. A number of women are also provided with guidance in their entrepreneurial activities without the project having any particular purpose to do so. Still the approach remains traditional i.e. contribution to the family or society or country income but not as an intrinsic right.
 - The Fair Trade Principles are partially taken into consideration in the guiding documents for public policies (Development Plan and Plan of Major Reforms). They are not included in the Export Development Project noting that not all countries have specific or specialised economic and trade policies and not all teams, when these documents exist, were able to conduct the GAAA in this part of the task.

The situation analysis and the GAAA exercise utilising various frameworks and tools applied to various documents reached the same conclusions: except the gender and women focused documents, initiatives and mechanisms, none of the National Laws, Trade agreements, economic & trade policies and strategies can be categorised as Gender Sensitive and certainly not transformative. In fact, they are more gender-blind, as they fail to identify and acknowledge gender-based differences and gaps and consequently plan any intervention to address them and gear towards Gender Equality.

Economic and commercial openness has not led to a more significant and more diversified access to regional and international markets for both men and women. Countries highly specialized and not yet member of the WTO such as Algeria, face difficulty increasing and diversifying its range of exports. Some new products have emerged, ranking among the "Top Ten" of this range, but with a very marginal effect on the country's trade balance and this, not only for the non-members. This openness, however, is accompanied by opportunities for financing, expertise, know-how and experience in Trade and Gender. The European Union, an important partner for the 6 countries under review has released funding and indirectly conducted female entrepreneurship experiences that are expected to be replicated on a large scale in many countries.

While trade liberalisation does not create structural gender inequalities, the social construction of the society institutionalised in the legal and policy frameworks determine the status of women. This can – for better or worse –contribute to identifying the impact of trade and economic initiatives on women. When done, it would be necessary to take the necessary measures to ensure better economic integration of women and create the appropriate conditions to their access to national, regional and international Trade Markets.

3. The Pilot Rapid assessment/PRA

The PRA revealed a set of interesting findings at the programmatic and organisational levels. Analysis of the results of the different levels, which focused on the procedures and methods used by organisations to conceptualize and design gender and development programmes and projects, gives rise to the following conclusions :

- The respondent organisations adopt a set of positive practices that reflect the efforts made by over 61% of them in terms of Gender Mainstreaming towards Gender Equality. More than 68% of the organisations use the participatory method in project design, and take into account the views of men and women in the analysis and planning process.
- Over 61% of organisations include, in their operational plans, a range of activities designed to develop the skills of women and men, and thus provide them with equal opportunities for access to services and training. Over 60% of the organisations take into account the roles and interests of both men and women beneficiaries when designing strategies and programmes, by offering Gender-sensitive activities. Accordingly, over 60% of the respondents asserted that the beneficiaries considered their organisation’s programmes and projects as beneficial to their lives.
- With regard to technical expertise, the situation is less positive, with only 48.5% of respondents stating that their organisation includes at least one person or division responsible for Gender incorporation into the different departments of the organisation. The percentage goes down to 44% when asking whether the staff responsible for Gender has the needed skills and knowledge to properly carry out their work, and down to 37% when assessing whether the organisation provides Gender training for its staff responsible for gender mainstreaming.
- The work of organisations in terms of monitoring and evaluation of the Gender impact tends to be weak, with only 42% of the respondents saying that their organisation collects sex-disaggregated data and produces the needed indicators to be used for evaluation, and 34% indicating that the Gender impact of projects and programmes is actually monitored and evaluated.
- 40% of the organisations include commitment to Gender mainstreaming and Gender equity as a criterion for establishing partnerships with other local or external organisations.
- Organisations face obstacles to incorporating Gender analysis in programme/project planning, implementation and evaluation. Among these difficulties are the lack of staff training on Gender, lack of Gender analysis tools, and lack of financial resources for Gender programming, with the highest proportions in Tunisia, Algeria and Lebanon. The results recorded in Jordan and Egypt were the highest during this assessment.

Gender & Trade

Discrepancy between the surveyed countries was registered regarding the evaluation of performance in Gender mainstreaming, where focus is laid on the underlying reasons, outside of the strictly programming realm, which affect the dynamic of programming and are an obstacle to the institutionalization of Gender Equality & Equity. The PRA results indicate that:

- Only 29% of national or regional organisations have a written Gender policy, including an operational plan that clearly allocates responsibilities among the staff. 45.9% of the staff within these organisations “feel ownership” over this policy and are, to a great extent, committed to the principles and values set forth in these policies which they consider Gender-sensitive.
- Over 60% of the respondents indicated that the staff is involved in the planning and implementation of Gender policies adopted by their organisation. Results also show that 60% of the staff of their organisation are enthusiastic about the Gender work they perform, and think that their organisation’s work to achieve Gender equality/equity would fit into the image of their organisation in terms of integrity and competence on Gender issues.
- With regard to staff behaviors and relationships, 60% of the respondents indicated that the language used in the organisation is largely Gender-sensitive and not Gender stereotyped.
- 70% of the respondents indicated a gradual increase of Gender expertise among staff members, and feel that their organisation adopts Gender-sensitive policies which include for more than 60% a maternity and paternity leave policy. Gender awareness is increasing with 88% of the respondents asserting that their organisation promotes teamwork and involves both men and women as equal partners.
- 68% of the respondents pointed to the increase of women’s representation in senior management positions in recent years, thanks to the adoption of proactive strategies to recruit or promote women into these high-ranking positions. This has helped improve the working environment for women, with a positive impact on their performance in the organisation. This could be due to a written equal opportunity policy as reported by 50% of the respondents. A small percentage indicated that good performance in the field of Gender is rewarded in their organisation.
- Budgeted adequate financial resources to support the organisation’s Gender mainstreaming work or to provide staff training in Gender issues do exist as assessed in 29% of the responses. However nearly 40% pointed out the existing gap between how men and women on how their organisation usually view Gender issues.
- 68% consider that their organisation can do much more than it is currently doing to institutionalize Gender Equality and Equity.

Though results have revealed a high level of awareness of the importance of gender mainstreaming, it is clear that organisations are still lacking operational mechanisms to achieve this goal; hence the respondents’ proposal that organisations provide more Gender training so that the staff can acquire the necessary tools and mechanisms to improve their Gender performance.

Through the analyses of all assessment levels, a general discrepancy between the surveyed countries was revealed, especially registered between Egypt and Jordan which record the highest responding level in terms of adopting good practices in the field of gender mainstreaming, and between Algeria, Tunisia and Lebanon which recorded the lowest rates in this direction. These results are totally inconsistent with the reality of the legislation, the policies and the field and as also measured by the indicators.

After the analysis of collected data and information through their different categories, sub-categories and multiple dimensions, such as by Organisations' nature for example, it was obvious that countries which have the highest number of NGOs in their sample are those which recorded the highest rate of responses as it is the case of Jordan and Egypt and vice versa. The countries which have the lowest number of NGOs in their sample record have the lowest rate of responses as it is the case of Algeria and Tunisia.

Indeed the gaps recorded between NGOs and Governmental institutions or between national and regional organisations during this PRA could not be justified only by the differences in the responses. In certain cases and especially in relation with some specific thematic, the context of some countries or surveyed regional organisations during this assessment are more advanced comparing to how it was reflected in this PRA. This is the case of Algeria, Tunisia and regional organisations (CAWTAR and LAS), which testify a great development in the field of gender mainstreaming especially in its legal framework. But that was not reflected in its respondent's replies especially in relation with prevention of violence and sexual harassment.

The question is: are NGOs in the surveyed countries performing a significant progress in the field of gender mainstreaming in comparison with public institutions or is there an issue of knowledge of government representatives as regard to the GEEEW achievements of their country? If NGOs remain the GEEEW advocates, they do not have a direct impact on gender mainstreaming in public policies and budgets.

Another conclusion that can be sorted out here is the weakness of the communication and advocacy strategies of concerned organisations, regarding the legal framework of the local context, which leads to a lack of visibility about the real situation of the country.

The other observation is related to the difference of approach and speed between the development of the legal framework in some countries which took a long process compared to others, who adopted an operational approach with existing effective activities that either aim at provisions of services or implementation of strategies and policies as reflected in this assessment's results.

Within the limits of the representativeness of the sample of respondents, the field work has yielded conclusions indicating a de facto Gender integration in behaviors and perceptions by women as well as by managers. Given their weight in the sample, most women-respondents appreciated the progress made in these areas. Their work is valued in the same way as that of men. They also have access to decision-making positions and to membership of boards of directors.

In conclusion...

The exercise through its different approaches and at its different steps tried to answer three main questions. The very short responses that will be developed in this final part of the report could be summarised as follows:

1. If there is no discrimination against women, what would be the causes then? In many areas and laws including constitution, Sex- and Gender-Based-Discrimination is prohibited however it does exist either legally or in institutional, societal and individual practices: its causes are multiple and situated at the three levels: legislation/policy; institution or organisation level as well as in society and family but mainly due to the existing cross-cutting discrepancies, lack not to say absence of Rule of Law and Accountability, two of the main Human Rights principles.

Discrepancies do exist, in the region as a whole and the six covered countries with no exception, between the legislation that organise the public life including the fundamental law i.e. the Constitution and the ones defining rights and duties as well as relationships between women and men in the private life, directly such as the family laws or indirectly; to only quote the Penal Code or the Labour Code based on Gender construction that influences both causes and consequences of discrimination in its different forms which affect women through life cycle and limit their access to and control over resources and consequently enjoyment of their legal and human rights.

Equality under the law, equality of opportunity and equality of (political) voice have not yet been fully achieved. Equality within the law does not exist since the status and rights of women are contextually different and sometimes constitutionally obsolete. In the public life, woman is a full-fledged citizen while in private, she is a minor in several areas to only quote the need for a guardian to marry or an authorisation from him to move. In multi-confessional societies such as Lebanon or Jordan, inequalities are not only among women and men but also among women themselves from a confession to another.

Despite a number of steps taken, women continue to have a rather low level of legal protection against gender-based discrimination as well as gender-based-violence including in the countries such as the ones under review that have adopted laws, strategies and plans of action for that purpose.

Legislative, executive and judiciary bodies reflect the diversity of the societies they represent, and must provide a balanced perspective in designing and implementing laws and regulations; thus enabling an inclusive approach to policy-making and service delivery. This can only be achieved by incorporating gender-sensitive working policies and gender-balanced leadership. Maximizing women's representation in political and managerial leadership in public and economic life is essential for MENA countries to increase their competitiveness and promote their inclusive trade ecosystems ⁽³⁵²⁾.

The institutional "forcing" in recent years is not supported by a parallel commitment that can lead to further integration of women in the economic and commercial spheres. Indeed, despite the progress made, the region and the countries under review continue, with a variation from a

352. OECD-CAWTAR: "Women in Public Life: Gender, Law and Policy in the Middle East and North Africa", 2014"

country to another, to suffer from a large infrastructure deficit that reduces women's mobility and perpetuates the traditional and outdated gender-based division of labour including in traditional contexts or areas such as rural areas.

- Socio-educational infrastructures play a crucial role in liberating the female labour force and in promoting women's entrepreneurship however "who is in charge of childcare and child upbringing?" is a key question that remains unanswered.
- Even in the absence of binding regulations or written instruments, organisations are showing sensitivity to Gender issues. However, the step towards a planning that uses Gender-specific data and concepts has not been made yet. The strongest constraints preventing such elements are the lack of Gender training for the staff, the lack of Gender analysis tools, and the dominant culture within the organisation.

The results of the GAAA exercise including Pilot rapid Assessment and the GAAA exercise are consistent with the performances and ranking for both the Gender Gap Index and SDG-GI, specifically with respect to gender mainstreaming and economic participation. It is not expected that countries under review will be able to close or at least bridge the gender gap unless gender is mainstreamed at the organisational and the programming levels.

SECTION 2: RECOMMENDATIONS

This report provides a thematic overview in an attempt to define the main characteristics, opportunities and barriers to women's economic empowerment and trade markets access across the MENA countries, with specific focus on the six countries under review. A wrap up has been made focusing on economic and trade related or influencing indicators are shown thanks to the available sex-disaggregated data and provide an economic and trade outlook focusing on the six countries. Based on the findings of PART I and PART II, correlations are established through a transversal reading and analysis to highlight the achievements that contribute --or have contributed-- directly or indirectly to Gender Equality as a whole and as regards to economic participation and empowerment with a focus on trade. The identified remaining gaps helped to determine the barriers and the factors that contribute --or have contributed-- directly or indirectly to widening the gender gaps and reinforcing discrimination against women as a whole and in the area of economic participation and in international trade, in particular. In this context, Gender inequalities are once again confirmed through the data and information collected from national, regional and international sources but also thanks to the analysis of related strategic documents. Participation of national Stakeholders was very active and supportive through the process until the validation consolidating findings, conclusions and recommendations.

A growing wealth of evidence on women as traders, businesswomen, and consumers demonstrates that gender equality and equity in business cannot be achieved without advancing gender equality in society, in both public and private spheres and maybe in private sphere before the public one. Real socio-economic transformation for women and society goes hand in hand. Indeed, women's economic empowerment is one of the most important factors that can contribute to gender equality. In turn, one of the most powerful drivers of inclusive socio-economic growth is the adoption, by the public and private sectors, of policy frameworks that champion gender equality. This can be achieved by tackling the structural and systemic barriers standing in the way of women's economic advancement. A relevant identification of the influential actors of change can leverage women's access to markets and finance.

The conclusions and recommendations agreed upon the countries and at regional levels will try to answer to the third question:

- How to address the differentiated effect of trade policy on economic and social activities on men and women when they do have the same capacity and opportunity? Corresponding to the findings of the Gender and Trade State of Art that include also the GAAA exercise and the results of national and regional consultation at various steps of the implementation process as well as validation by stakeholders, priority recommendations and strategic interventions are hereunder proposed, towards prioritization and planning of results for short-, medium- and long-term change and the achievement of gender equality in trade-driven economic development. It is worth to note that technical capacity of national partners in the six countries under review was built on evidence based advocacy and policy dialogue first at regional level and second in each one of the six countries to be able to own and operationalise these priorities.

Government and policymakers are the gatekeepers responsible for designing and fostering policies that facilitate women's equal access to resources (land and productive inputs), and finance. The findings of this report underscore the importance of removing all barriers to female entrepreneurship in order to unleash women's economic potential and contribute to their economic empowerment.

Only Gender & Trade specific recommendations will be stressed here. Those related to Gender Equality, Equity and Empowerment of Women in both public and private spheres remain the same as it is the case in any other Development and/or Human Rights context.

Countries are required to remove various forms of discrimination and in their legal system and ensure consistency between their Constitution and other laws and within the laws themselves. They are also expected to transform their international commitments into national measures as stated in their legal system for many of them. That means lifting all discriminatory provisions against women as systematically reiterated in every occasion in MENA countries.

Recommendations specific to the countries are reported to the Gender & Trade Country profiles that could be accessed in the CAWTAR Gender Clearing House⁽³⁵³⁾. The following stated recommendations agreed upon the countries and at regional levels tried to answer to the third question raised in the introduction:

How to address the differentiated effect of trade policy on economic and social activities on men and women when they do have the same capacity and opportunity? Corresponding to the findings of the Gender and Trade State of Art that include also the GAAA exercise and the results of national and regional consultation at various steps of the implementation process as well as validation by stakeholders, priority recommendations and strategic interventions are proposed, towards strategic planning of results for short-, medium- and long-term change and the achievement of gender equality in trade-driven economic development. It is worth to note that thanks to advocacy and technical capacity of at least 150 national partners in the six countries from governmental institutions, civil society and professional organisations, evidence based advocacy and policy dialogue strategic frameworks have been developed first, at regional level and second, in the six countries under review.

Taking into account gender-based analysis, to identify persisting gaps and biases to avoid exacerbating or reinforcing gender inequalities and through adoption of gender and human rights mainstreaming approaches, a series of recommendations is proposed at various levels: policy and programmes, institutional and technical capacity building as well as measures to support to Women Economic Empowerment and access to Trade, as herewith listed:

- Develop a sex-disaggregated database that will enable access to and analysis of data to either identify gender gaps or good practices as well as evidence-based findings with the purpose of strategic planning as well as promoting advocacy and policy dialogue for change towards women's economic empowerment and access to regional and international trade markets;

353. <http://www.cawtarclearinghouse.org/Site%20Pages/English/Home.aspx>

Gender & Trade

- Adopt smart policies that encourage building foundations for innovative learning and skills acquisition, through improved quality of inputs, teaching and learning approaches, and improved governance of education institutions;
- Foster innovation in education as a key catalyst to change economic systems from managerial to entrepreneurial ensuring that score on patents means that education outcomes align with the demands and skills of trade and business management while strengthening the Human Capital in the concerned countries⁽³⁵⁴⁾;
- Reinforce access to information through the establishment of communication and guidance structures in order to strengthen the capacity of both men and women and their knowledge about their national policy and legal context as well as their own rights and obligations;
- Design and adopt Gender-sensitive economic and trade policies as an effective tool to equally protect the economic rights of women and men both in public domain (i.e. market economy) and private domain (i.e. household economy) which will in turn contribute to economic growth, poverty reduction, and the fulfilment of human rights and social justice commitments;
- Ensure that design, planning, implementation and evaluation of economic and trade policies are both gender sensitive and transformative with provision of mitigation policy interventions and affirmative actions to address the inequalities and discrimination committed against women, wherever they exist;
- Ensure the involvement of both men and women in the implementation of the undertaken policies and measures as active players in the required change and promotion of the expected results and not as passive actors undergoing the decisions of others;
- Provide more technical and institutional support to organisations and institutions working on the economic and trade fields, in aim to make more effective actions that can help achieving gender equality and equity in terms of human and technical resources and tools that should be used to make effective the institutionalization of gender mainstreaming;
- Design and generalise guidelines to operationalise and promote actions that proactively improve women's situation, especially in rural areas and marginalized communities, through inclusive, equitable and participatory approaches;
- Develop self-empowerment and entrepreneurial skills centered on attitudes (soft skills), such as persistence, networking and self-confidence as well as on enabling skills (hard skills), including basic start-up knowledge, business planning, financial literacy, and managerial skills, reported as "high priority" areas of enhancement among women business owners;
- Build capabilities and skills of women in trade as pivotal to increase women's opportunities to access the labour market and enhance their entrepreneurship. This includes developing women's entrepreneurial skills and entrepreneurial-focused education policies, which will facilitate the creation of an entrepreneurial culture that in turn will promote creativity, innovation and wider social awareness and engagement;
- Reinforce women's participation and benefits in economy and trade though through the set-up of more efficient measures and ways when developing Trade Agreements and Economic policies and implementing their provisions on the ground. These measures should also make easier for women to start up or develop business (e.g. access to bank loans, procedures);
- Consider affordable social infrastructure and related technical and human resources (i.e. childcare services) as a top priority on the governmental agenda to allow women and men to reconcile their family and professional lives.

354. e.g. UNICEF's LSCE Initiative

The whole analysis process (problem, objectives, initial hypotheses, methodology, solutions obtained) was summarized to present work boundaries that are intrinsic/extrinsic to the work itself (GAAA including PRA) or project (pilot phase) as well as national/regional context. Ways to improve this work are suggested including in terms of development of networking and partnership thanks to the above conclusions and recommendations.

Effectively...What to do?

Corresponding to the findings of the Gender and Trade State of Art and resulting consultations with and validation by stakeholders at national and regional levels, the above priority recommendations and strategic interventions are proposed, towards strategic planning of results for short-, medium- and long-term change and the achievement of gender equality in trade-driven economic development and with consistency with the 2030 Agenda with the SDG5 as a bedrock of any intervention or action.

Indeed the 2030 Agenda is a plan for a better, more sustainable future for all. Owned by consensus throughout the world including by the countries of the MENA region, it appears as the privileged framework to ensure engagement of all concerned actors, rights holders and duty bearers. Its objectives respond to the challenges facing the world, regions and countries, including those related to poverty, inequality, climate, environmental degradation, prosperity, peace, security and justice.

Figure 98: 2030 Global Agenda challenge



How to do it?

It is about Mainstreaming Gender into Economy and Trade but also Mainstreaming Economy and Trade into Gender, a complex but not impossible operation which will strongly contribute to decent work and economic growth (SDG8) , eradicate poverty (SDG1) and achieve Equality (SDG5).

Figure 99: Looping the Loop



In order to promote the support's scenario and the Win/Win mutual benefit, namely, high growth rates and a reduction of discrimination and gender inequalities, in the context of economic growth and trade liberalization, the roles, responsibilities and multiple constraints of women must be taken into account and supported by the primary duty bearer:

- That will mean mainstreaming gender dimension in planning and programming on the one hand, and in the areas of economics and trade on the other hand, to eliminate all forms of discrimination to achieve equality.
- This will require a support to take advantage of trade opportunities through strengthening the foreign trade management capacity of national public institutions and promoting an equitable distribution of responsibilities and benefits between men and women.



ANNEXES

Gender & Trade

LIST OF ABBREVIATIONS	
Abbreviation	Full Name
ACDI/VOCA	Gender Analysis, Assessment and Audit Manual & Toolkit
AFD	Agence Française de Développement
AfDB	African Development Bank
AGFUND	Arab Gulf Programme for United Nations Development Organisation
ANC	National Constituent Assembly
APC	Assemblées Populaires Communales (ALG)
APW	Assemblées Populaires de Wilaya (ALG)
ARDP	Agriculture and Rural Development Programme (EU-Lebanon)
ARP	Assembly of People's Representatives (TUN)
AWDR	Arab Women Development Report (CAWTAR)
BDS	Business Development Services
BPA	Beijing Platform for Action
CAPMAS	Central Agency for Public Mobilization and Statistics
CAT	The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CAWTAR	Centre of Arab Women for Training and Research
CBE	Central Bank of Egypt
CBO	Community-based Organization
CEDAW	Convention on the Elimination of Discrimination Against Women
CERD	The Convention on the Elimination of Racial Discrimination
CGC	Credit Guarantee Company
COF	Conceptual Organizational Framework
COMESA	Agreement of the Common Market for Eastern and Southern Africa (EG& TUN)
CNRC	Centre National du Registre du Commerce (ALG)
CoP	Code of Practices
CPF	Conceptual Programmatic Framework
CRPD	Convention on the Rights of Persons with Disabilities
CRC	Convention on the Rights of the Child
CSOs	Civil Society Organisations
ECHR	European Convention of Human Rights
EEP	Education Enhancement Program
EFA	Education for All
EFTA	Free Trade Agreement between the European Free Trade Association
EGEI	Egypt's Girls Education Initiative
ELMPS	EgyptianLabourMarket Panel Survey

Gender & Trade

EM	Equal Measures 2030
EMIS	Education Management Information Systems
ENDA	Environment and Development Action in the Third World
EOUs	Equal Opportunity Units (NCW-Egypt)
ESCWA	Economic and Social Commission for Western Asia
EUS	Employment and Unemployment Survey
FAO	Food and Agriculture Organization (United Nations)
FGDs	Focus Group Discussions
FGM/C	Female Genital Mutilation and Cutting
FWCW	Fourth World Conference on Women
GAAA	Gender Assessment, Audit and Analysis
GAD	Gender And Development
GAFTA	Greater Arab Free Trade Agreement
GBD	Gender-Based-Discrimination
GBDL	Gender Based Division of Labour
GBV	Gender Based Violence
GCC	The Gulf Cooperation Council
GDP	Gross Domestic Product
GEEEW	Gender Equality, Equity and Empowerment of women
GGGR-WEF	Global Gender Gap Report –World Economic Forum
G/GGI	Global/Gender Gap Index
GEM	Global Entrepreneurship Monitor (Survey)
GER	Gross Enrolment Ratio
GFS	Girl-friendly School
GHR	Gender & Human Rights
GNI	Gross National Income
GNP	Gross National Product
GPG	Gender Pay Gap
GPI	Gender Parity Index
GPN's	Gender Practical Needs
GHRT	Gender, Human Rights and Trade
GSN's	Gender Strategic Needs
G&T	Gender & Trade
GTCP	Gender & Trade Country Profile
GTSP	Gender & trade sector Profile
HCP	Haut-Commissariat de la Planification

Gender & Trade

HDI	Human Development Index
HRBAP	The Human Rights Based Approach to Programming
ICCPR	The International Covenant on Civil and Political Rights
ICA	Investment Climate Assessment
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	The International Covenant on Economic, Social and Cultural Rights
ICPD	International Conference on Population & Development
ICRAM	Initiative Concertée pour le Renforcement des Acquis des Marocaines
ICRW	International Center for Research on Women
ICT	Information and Communications Technologies
IDLO	International Development Law Organisation
IFC	International Finance Corporation
IGWG	Interagency Gender Working Group
ILO	International Labour Organization
IMF	International Monetary Fund
INS	National Institute of Statistics
ITC	International Trade Center
IPU	Inter-Parliamentary Union
IPV	Intimate Partner Violence
IYF	International Youth Foundation
JNCW	The Jordanian National Commission for Women
KAPEP	Knowledge, Attitudes, Perceptions, Experiences and Practices
KII	Key Informant Interview
LAC	Latin American and the Caribbean
Lao PDR	Lao People's Democratic Republic
LAS	League of Arab States
LSCE	Life Skills and Citizenship Education Initiative (UNICEF)
M&E	Monitoring & Evaluation
MENA	Middle East and Northern Africa
MoA	Ministry of Agriculture (Lebanon)
MoET	Ministry of Economy and Trade
MoI	Ministry of Industry (Lebanon)
MSMEDA	The Micro, Small and Medium Enterprises Development Agency
MTIP	Ministère du Travail et de l'Insertion Professionnelle (MOR)
MWC	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
NCCM	National Council for Childhood and Motherhood
NCLW	National Council of Lebanese Women

Gender & Trade

NCW	National Council for Women (Egypt)
NEC	National Economic Census
NEET	Not in Education, Employment or Training
NGOs	Non-Governmental Organisations
NQF	National Qualification Framework
OECD	Organisation for Economic Co-operation and Development
OHCHR	The Office of the United Nations High Commissioner for Human Rights
ONS	Office National des Statistiques (ALG)
PPP	Purchasing Power Parity
PPPM	Programme Procedure and Policy Manual
PRA	Pilot Rapid Assessment
PTGA	Participatory and Transformative Gender Audit
SDD	Sex-Disaggregated Data
SDGs	Sustainable Development Goals
SDG-GI	Sustainable Development Goal Gender Index
SIDA	Swedish International Development Agency
SitAn	Situation Analysis
SMEs	Small and Medium Enterprises
SoW	Scope of Work
SP	States Parties
STEM	Science, Technology, Engineering, and Mathematics
TEA	Total Entrepreneurial Activities
TIFA	The Trade and Investment Framework Agreement (USA-Lebanon)
TIMSS	Trends in International Mathematics and Science Study
TVET	Technical Vocational Education and Training
SWOP	State of World Population Report (UNFPA)
UAE	United Arab Emirates
UDHR	Universal Declaration of Human Rights
UNCT	United Nations Country Team
UNCTAD	United Nations Conference on Trade and Development
UNDG	United Nations Development Group
UN-HR	United Nations Human Rights
UN-ECOSOC	United Nations Economic and Social Council
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNFPA	United Nations Fund for Population Activities
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNSF	The United Nations Strategic Framework
UN-Women	United Nations Entity for Gender Equality and the Empowerment of Women

Gender & Trade

USAID	United States Agency for International Development
USD	United States Dollar
WAD	Women And Development
WBDC	Women's Business Development Centre
WFTA	World Federation of Trading Houses Associations
WFTO	World Fair Trade Organisation
WHO	World Health Organisation
WID	Women In Development
WTO	World Trade Organisation

Gender & Trade

LIST OF TABLES	
Introduction	
Table 1	MENA Economic indicators
Table 2	Ownership and management of firms, by sex, in Tunisia
Part I Chapter I	
Table 3	Ranking of Global Gender Gap Index in MENA(2018)
Table 4	2019 SDG Gender Index scores and rankings by country
Table 5	Global Gender Gap Index in the covered countries (2018)
Part I Chapter II	
Table 6	Educational attainment (2018)
Table 7	Sex-Disaggregated Data/SDD in Education
Table 8	Political Empowerment in the MENA
Table 9	World Average of women& men in parliaments
Table 10	Regional Averages of women in parliaments
Table 11	IPU World Classification of women in parliaments in MENA countries
Table 12	Political Empowerment SDD
Table 13	2006-2018 Political empowerment
Table 14	Economic Participation and Opportunity : MENA ranking
Table 15	2006-2018Economic Participation and Opportunity
Table 16	Economic Participation and Opportunity : SDD
Table 17	Distribution (%) of the adult employed labor force (MOR)
Table 18	Distribution (%) of the adult employed labor force by sector of economic activity, sex and place of residence
Part II Chapter I	
Table 19	Type and number of Institutions and Organisations per Country mapping
Table 20	Regional and international Organisations in the countries under review
Table 21	The GHR Check list
Part II Chapter II	
Table 22	Total of audited documents (trade agreements, policies and laws)
Table 23	Algeria: The GHRT Qualitative Content Analysis: The Checklist (Trade Agr.)
Table 24	Algeria: The Gender Continuum (Trade Agr& others)
Table 25	Algeria: Fair Trade Principles Checklist(Trade Agr& others)
Table 26	Egypt: The Gender Continuum (Trade Agr.)
Table 27	Egypt: The Fair Trade Principles (Trade Agr.)
Table 28	Egypt:The Gender Continuum (Policies)
Table 29	Egypt: The Fair Trade Principles (Policies)
Table 30	Jordan: The Gender Continuum (Trade Agr.)
Table 31	Lebanon: The Gender Continuum (Trade Agr.)
Table 32	Lebanon: The Fair Trade Principles(Trade Agr.)
Table 33	Lebanon: The Gender Continuum (Policies)
Table 34	Morocco: The Gender Continuum (Trade Agr.)
Table 35	Morocco: The Gender Continuum (Policies)

Gender & Trade

Table 36	Tunisia :The Gender Continuum (Trade Agr.)
Table 37	Tunisia: The Gender Continuum (Policies)
Part II-Chapter III	
Table 38	Number of respondents by country and organisation
Table 39	Respondents by country and organisation's type
Table 40	Respondents by organisation's type and nature
Table 41	Respondents by organisation's type and activity sector
Conclusions & Recommendations	
Table 42	Human Capital Index 2017 for the countries under review

LIST OF BOXES	
Chapter I-I	1-10
Chapter I-II	11-22
Boxes	
Part I-Chapter I	
Box 1	Gender is a socio-specific construct
Box 2	Gender Based Division of Labour
Box 3	Gender is a culture-specific construct
Box 4	GEEEW principles
Box 5	The Human Rights framework
Box 6	The United Nations Declaration on the Right to Development
Box 7	Equal rights and inherent human dignity
Box 8	Gaps in Development means non realisation of Human rights
Box 9	Gender Gaps & Disparities
Box 10	attainment of women-men equality
Part I-Chapter II	
Box 11	Right to education
Box 12	Education in UAE
Box 13	Education Parity in MENA
Box 14	Feminisation of Education In Algeria
Box 15	Appraisal of Education in MENA
Box 16	Political and Public Rights
Box 17	Political Empowerment of women
Box 18	Economic Participation and Opportunity in Bahrain
Part I-Chapter III	
Box 19	Right to Development
Part II-Chapter I	
Box 20	List of GRH keywords
Box 21	10 Fair Trade Principles

* 17 Arab States members

Part II-Chapter II	
Box 22	Quota to support the Tunisian women in the market
Conclusions & Recommendations	
Box 23	Human capital, key factor for growth
Box 24	De Jure and De Facto Gender Based-Discrimination

LIST OF FIGURES	
Introduction	
Figure 1	Overview of the MENA Region
Figure 2	Arab States Region and sub-regions
Figure 3	The six GAAA countries
Part I-Chapter I	
Figure 4	Global performance , 2018
Figure 5	Global Gender Gap Index 2018, by Region
Figure 6	Gender Gap Index in the six covered MENA countries: Top and down
Figure 7	Overview on Gender Gap (ALG)
Figure 8	Overview on Gender Gap (EG)
Figure 9	Overview on Gender Gap (JOR)
Figure 10	Overview on Gender Gap (LEB)
Figure 11	Overview on Gender Gap (MOR)
Figure 12	Overview on Gender Gap (TUN)
Part I Chapter II	
Figure 13	Educational Attainment in the six countries: Top and Down
Figure 14	2006-2018 Educational Attainment
Figure 15	High Education specialisation (ALG)
Figure 16	High Education specialisation (EG)
Figure 17	High Education specialisation (JOR)
Figure 18	High Education specialisation (LEB)
Figure 19	High Education specialisation (MOR)
Figure 20	High Education specialisation (TUN)
Figure 21	Political Empowerment in the six countries under review: Top and Down
Figure 22	Participation in Political & Public Affairs (ALG)
Figure 23	Participation in Political & Public Affairs (EG)
Figure 24	Participation in Political & Public Affairs (JOR)
Figure 25	Participation in Political & Public Affairs (LEB)
Figure 26	Participation in Political & Public Affairs (MOR)
Figure 27	Participation in Political & Public Affairs (TUN)
Figure 28	Economic Participation and Opportunity in the six countries under review: Top and down
Figure 29	Labour Force Composition (ALG)
Figure 30	Labour Force Composition (EG)

Gender & Trade

Figure 31	Labour Force Participation 1990-2016 (JOR)
Figure 32	Labour Force Composition (MOR)
Figure 33	Labour Force Composition (TUN)
Figure 34	Unemployment trends by sex and type of unemployed, 2006-2018 (TUN)
Part II Chap I	
Figure 35	Participatory and Transformative Gender Audit/PTGA Framework
Figure 36	Country mappings
Part II Chap II	
Figure 37	Algeria : GHRT Quantitative Content Analysis (Trade Agr.& others)
Figure 38	Egypt: The GHRT Quantitative Content Analysis (Trade Agr.)
Figure 39	Egypt: The GHRT Quantitative Content Analysis (Policies)
Figure 40	Jordan: The GHRT Quantitative Content Analysis (Trade Agr.)
Figure 41	Jordan: The GHRT Qualitative Content Analysis: The Checklist (Trade Agr.)
Figure 42	Jordan: Fair Trade Principles Checklist (Trade Agr.)
Figure 43	Lebanon: The GHRT tool (1) quantitative content analysis (Trade Agr.)
Figure 44	Lebanon: The GHRT Quantitative Content Analysis (Policies)
Figure 45	Lebanon: The GHRT checklist tool, qualitative content analysis (Policies)
Figure 46	Morocco: The GHRT Quantitative Content Analysis (Trade Agr.)
Figure 47	Morocco: The GHRT Qualitative Content Analysis: The Checklist (Trade Agr.)
Figure 48	Morocco: The GHRT Quantitative Content Analysis (Policies)
Figure 49	Morocco: The GHRT Qualitative Content Analysis: The Checklist (Policies)
Figure 50	Tunisia: The GHRT Quantitative Content Analysis: (Trade Agr.)
Figure 51	Tunisia: The GHRT Qualitative Content Analysis: The Checklist (Trade Agr.)
Figure 52	Tunisia: The GHRT Quantitative Content Analysis (Policies)
Figure 53	Tunisia: The GHRT Qualitative Content Analysis: The Checklist (Policies)
Part II Chap III	
Figure 54	Respondents by Sex and Age group
Figure 55	Respondents bysex and position in the organisation
Figure 56	Respondents bysex and work location
Figure 57	Respondents by Sector of activity
Figure 58	Participatory approach in programming process
Figure 59	Analysis of Gender roles and responsibilities
Figure 60	Incorporation of Gender Equality/Equity goals in the design process
Figure 61 (1)	Strengthening men's skills
Figure 61 (2)	Strengthening women's skills
Figure 62 (1)	Female beneficiary assessment of the organisation's projects (1)
Figure 62 (2)	Male beneficiary assessment of the organisation's projects (2)
Figure 63	Existence of Gender Focal point/unit
Figure 64	Capacity and skills of Gender Focal point/unit

Gender & Trade

Figure 65	Gender training to concerned focal points and unit
Figure 66	Sex-Disaggregated-Data/SDD collection
Figure 67	Monitoring and evaluation of project's gender impact
Figure 68	Usefulness of SDD for program development & evaluation
Figure 69	Conducive environment for Women Empowerment
Figure 70	GEE commitment as a criteria for partners' selection
Figure 71	Gender Policy/GP in written agreements for partnership
Figure 72	Adoption of a GP written document
Figure 73	Operationalisation and M&E plans within the GP
Figure 74	Staff's ownership of and commitment to the Gender Policy
Figure 75 (1)	Women's access to senior management positions at HQs
Figure 75 (2)	Women's representation in senior management at field level
Figure 76	A proactive strategy to promote women's access to senior management positions
Figure 77	Gender awareness in job description
Figure 78	Gender training for senior management and board members
Figure 79	Rewarding good performance in the field of Gender
Figure 80	Parental - maternity and paternity- leave policy
Figure 81	Child & Dependent Care leave policy
Figure 82	Impact of women's organisations on advocacy policies and plans
Figure 83	Gender in communications, fund-raising and media strategies
Figure 84	Allocation of adequate financial resources to support GM
Figure 85	Allocation of special budget for training of staff on Gender
Figure 86	Gender-Sensitive Behavior within the organisation
Figure 87	Procedures to prevent/address sexual harassment
Figure 88	Discussion of Gender issues within the organisation
Figure 89	How men and women perceive Gender issues
Figure 90	Reputation of the organisation as regard GAD
Figure 91	Working environment for women in the organisation
Figure 92	Organisational culture regarding the work of men and women
Figure 93	Male-dominated meetings in the organisation
Figure 94	The organisation's efforts to institutionalise GEE
Figure 95	Obstacles to GM in planning, implementation and evaluation
Conclusions and Recommendations	
Figure 96	Elements of Human Capital
Figure 97	Gap in Human Capital Development by Region, 2017
Figure 98	2030 Global Agenda challenge
Figure 99	Looping the Loop

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SUPPORTING DOCUMENT 1

Gender and Human Rights Conceptual Lexicon

SEX

Definition 1: Sex is about a distinction based on the type of gametes produced by the individual and accordingly the physical, anatomic, biological, physiological, hormonal... differences between male and female.

Definition 2: Sex refers to the Individual's identity of male and female and related characteristics: the primary sexual characteristics that are obvious at birth recognizing the "sex" of the newborn "it's a boy, it's a girl"; the secondary sexual characteristics which usually confirmed at puberty.

GENDER

Gender means the status defined by the society for men and women, as male and female and accordingly the expectations and personal attributes the society considers as appropriate to men and women throughout their life cycle. These expectations define for each of them their capacity, behavior, and attitude on the basis of the agreed masculinity and femininity's societal criteria.

GENDER ROLES & STATUS

• Roles

Gender role is the role or behavior learned by a person as appropriate to his/her biological sex and the gender construction as determined by the prevailing values system, social, cultural, political and economic norms... in the society and/or group he/she belongs.

Gender roles could also change in the same space and same time on the basis of the activities women and men have at a given time and space or according to the glance that is carried on them at this moment or at any time and in this place or whatever the place.

SOCIETAL NORMS AND CULTURAL VALUES

Most societies generally support:

- Male initiative and "prerogative" for sex,
- The challenges prescribed to women in this context particularly in the "legal" context & framework (marriage),
- Limits on women's sexual autonomy,
- Men's control of female body and sexuality, to ensure protection/control of the reproduction, intergenerational survival and family honor.

Societal norms and practices that reinforce the GBV especially in the traditional/conservative societies are easy to be identified. Among others it is possible to quote:

- The preference to the male throughout life cycle even before his birth,
- The education and societal apprenticeship of boys and girls stressing on the importance of the special feature of activity for men and of passivity for women to be translated throughout their life in authority-obedience,
- Making GBV as a norm or justifying it through behaviours, beliefs and practices...
- Making women feel guilty for the origin of GBV and responsible of the consequences in case of complaint (family, Police Station, Court...),
- Masculine solidarity.

GENDER DIVISION OF LABOUR/GDL

Gender Based Division of Labour refers to the roles assigned and recognized by the society to men and women. These Roles depend on women and men's status in the society. They evolve through life cycle and change in space and time.

Roles	Tasks & responsibilities	GBDL
Productive.../PR	Any work vs remuneration	Socially assigned/recognised to men
Reproductive.../RR	All household non paid work	Socially assigned/recognised to women
Community.../CR	Volunteer & nonprofit work	Recognised to men & women but in line with the GDL
Multiple.../MR	Many roles/tasks at the same time	Mainly recognised to women but not necessary valued

STATUS

“What we are” is the position or the situation that we occupy in society: it is called status. “What we do” corresponds to what is expected from us as tasks to be done and duties to be assumed as a result of that status and position: these are “roles”.

A status is “...simply as a position in a social system, such as child or parent. Status refers to what a person is, whereas the closely linked notion of role refers to the behavior expected of people in a status”³⁵⁵.

A “role is sociologically important because it demonstrates how individual activity is socially determined and thus follows regular patterns”³⁵⁶.

355. R. Linton (1936) quoted in <http://www.sociologyguide.com/>

356. <http://www.yourarticlelibrary.com/sociology/>

ACCESS TO/CONTROL OVER RESOURCES

“Access: the opportunity to make use of something/resources for a larger gain. Access will reflect the rules and norms that govern distribution and exchange in different institutional arenas. Control: the ability to choose or define how and for what purpose it will be used, and even to impose that definition on others—in other words, another word for “control” might be power, and power can be positive or negative depending on its purpose”³⁵⁷.

Resources are all factors that are required to ensure self-accomplishment and empowerment towards equal enjoyment of human rights. Resources are understood as a full range of tangible and intangible assets that are essential for translating access into choices and change³⁵⁸.

TYPES OF RESOURCES

For some users of the concept/tool, the tangible assets include concrete economic and political resources: money, funding, credit, jobs, land, property, tools, equipment, fertilizer, health care, water and other natural resources, technology, education, information, food, housing, police protection, legal services, healthcare, political representation. Intangible assets include other resources such as time, safety, well-being, political networks and social capital, credibility, self-confidence, self-esteem, decision making, creativity, organization, friends, fun, love, etc.

Others organize resources differently in a way that could allow measurement thanks to the definitions or set up of indicators.

GENDER NEEDS

Gender needs are concerns, interests and requirements of men and women. Gender needs are contextual and that means a) they are determined by the place that each of them occupies in the society, b) this place or status is itself defined by the gender characteristics of each society and/or social group and c) the time its occurs. That means Gender needs are contextual.

Whether the needs of women and men are the same or different, gender roles and responsibilities must be taken into account in Development to ensure Equity in meeting gender needs. They should be approached through a double prism:

- Those improving the quality of life and in this case mean satisfaction of the basic needs of the population: Gender Practical Needs/GPNs. They are not controversial and are generally accepted because their meeting does not require any change and at any level.
- Those relating to the question of equity and equality as well as self-determination and empowerment therefore challenge the current status and situations in society: Gender Strategic Needs/GSNs.

357. Cornwall, Andrea and John Gaventa (2001), *Power, Knowledge and Political Spaces in the Framing of Poverty Policy*, IDS WP 143; and Gaventa, John (2006), ‘Finding the Spaces for Change: A power analysis’, in *Exploring Power for Change*, IDS Bulletin 37.6, Brighton, IDS in <http://www.forum.awid.org/forum12/2013/03/organizing-for-womens-economic-empowerment-access-to-resources-and-principles-for-change/>

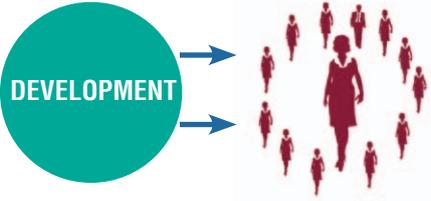
358. <http://www.forum.awid.org/>

HUMAN RIGHTS

“Human Rights are universal legal guarantees protecting individuals and groups against actions of state and non-state actors which interfere with fundamental freedoms and human dignity”³⁵⁹.

HUMAN RIGHTS OF WOMEN

The equal rights and inherent human dignity of women and men and other purposes and principles enshrined in the Charter of the United Nations, to the Universal Declaration of Human Rights and other international human rights instruments, in particular the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, as well as the Declaration on the Elimination of Violence against Women and the Declaration on the Right to Development”. (Beijing Platform for Action, Para 8).

<p>Women In Development/WD</p> 	<ul style="list-style-type: none"> • Considers that taking away women in the development process does not have negative consequences on women only, but also on the development itself. • Focuses action on the reproductive role and satisfaction of gender practical needs. • Proposes women specific projects. • Based on Development approaches: Antipoverty, equity and efficiency. <p>Critique: WID ignores certain aspects, the most important of which is the already and effective presence of women in Development.</p>
<p>Women And Development/ WAD</p> 	<ul style="list-style-type: none"> • Woman is integrated a-priori in the development process but in an unequal way vis-à-vis man. • The development would become better managed and evaluated if women’s efforts are evaluated inside and outside household. • The participation of woman in development is characterised by its non-rewarded and non-visible aspects. <p>Critique: Taking into account men-women dynamics in society but in an isolated way from their environment/society.</p>
<p>Gender And Development / GAD</p> 	<ul style="list-style-type: none"> • Women integration is characterised by a secondary/ inferior position in the society in comparison with that of and dependence to men. • Women are victims of a multi-faceted discrimination: sex, race, social class, and religion. • GAD is particularly interested in men and women relation and evolves from addressing women’s needs to one addressing larger power structures. • GAD challenges existing power structures, as well as ideologies and institutions that preserve that power. • GAD reduces gender gaps to achieve Equality through equity and empowerment measures.

359. UN, 2000

SUPPORTING DOCUMENT 2

INTRODUCTION TO THE EXERCISE

Thanks to its various tools the Gender Assessment, Analysis and Audit/GAA allows the development of an informed view on how gender and human rights relate to an organization's work, its rules and regulations, policies and programmes/projects.

The analysis and evaluation of the findings contribute to perform the approach and interventions in order to reduce gender inequality/ies and gaps, empower women and men to enjoy equally their human rights, including the right to non-discrimination in access to and control over resources.

Concrete evidence on how gender and consequently human rights are –or not-- incorporated into legislation, rules & regulations and programme/projects will be based on the findings of such review and analysis to help identifying the best ways to fill the identified gaps towards gender Equality in Human Rights, in this case in economic development with focus on Trade.

The interventions which will be planned based on the findings are supposed to concur to initiate and produce in the long term a significant change in attitudes and behaviors with respect to the social, economic, cultural and political status of women, and consequently allow a reorganization of social construction of gender roles and responsibilities as well as women and men relationships and more balanced distribution of resources including power towards Gender Equality.

This introduction is proposed to the GAAA facilitators to set the scene for the whole exercise but more particularly for the GAAA in the field. In addition to the utilization of the lexicon for the main concepts (Supporting Document 1), they will then be able to explain to the Key Informants Interviews/KIIs and to the participants to the focus group discussions the main objectives and expected results of the exercise as a whole.

CREATION/SELECTION OF THE CORPUS

The corpus is the collection of documents (policy, programme, project...) or any other related material or produced for the GAAA purpose (e.g. interviews, focus groups).

If the material is about policies, plans, programmes and strategies of a given institution/organisation, it should also contain related investments in terms of financial resources and related budgets. The main question will be to determine whether or not a project is gender and human rights related or not, to which extent and how gender is incorporated in its operations and related activities including management and human resources.

Although selection may be unguided, it is not random, if using the correct definition of everyone (e.g. a project document) in the population (e.g. the Economic policies/programmes or trade agreements, Gender related policies...)... and any other related document having an equal chance of being selected (e.g. any document with related specification/s).

Gender & Trade

Therefore in this case, the selection of the sample from the whole population (e.g. the Economic policies, Gender related policies... and any other related document) and the corpus of the 1st phase and quantitative content review & analysis will be made based on the two criteria:

- Relevant documents supposed to be addressing gender issues (e.g. whatever is the institution such as women mechanism or economic development ministry) and
- Projects not addressing gender taken from the total of all others (same remark as above) with a result of an equal number of each group/category within the total number.

When the GAAA is planned, in addition to creating/defining from the beginning what would be the corpus, select /define the time period (10, 5 years...) and make the documents available: The period will depend of each context.

Selected documents should have been planned and implemented during the same period. This period was agreed upon by the country teams (last 5 or 10 years) during the 1st technical meeting and confirmed later on with the national stakeholders.

The final corpus was decided as follows:

- Trade agreements
- Economic policies

Other documents such as polices and strategies related to gender equality and women empowerment as well as Gender-based violence, legislation governing private and public life but also economy, investment and trade will be reviewed and analysed by each country team.

TOOL 1 GUIDELINES

THE GHRT QUANTITATIVE CONTENT ANALYSIS (TOOL 1)

Gender Audit directly focuses in its quantitative review & assessment of the selected material and qualitative analysis of the quantitative findings. For this purpose, a tool --The Gender & Human Rights in Trade/GHRT quantitative content analysis tool—is designed to be tested as other tools (check list, gender continuum) before generalisation to the whole corpus.

THE CORPUS

The GHRT quantitative content analysis tool (1) is used to support and refine the desk review and assessment of the documents representing the whole corpus, it will allow checking how many times a selected number of GHRT concepts and keywords are used (quantitative) taking into account the context in which these keywords are used for the purpose of qualitative analysis and interpretation of the quantitative findings.

THE CORPUS'S UNITS

With a more specific selection and limited number of units, the purpose of the quantitative content analysis tool is to systematically assess the frequencies of most used keywords and identify the properties of the textual information as regard to gender equality and human rights.

The corpus' units are the selected keywords that are directly or indirectly related to GHRT and depending of the targeted document, other related keywords will have to be selected to contextualize and assess the GHRT relatedness at each of level of the review.

• **Examples of the areas and related GHRT keywords:**

- Gender: women, men, equality, equity, empowerment, right to work, to health, to education...
- Trade: Labour Mobility, food security, food safety, Labour Markets, Small-scale Enterprises, entrepreneurship...
- Any other example.

LEVELS OF THE QUANTITATIVE REVIEW

The first level of the review is made with the utilization of the tool 1 (attached) focusing more specifically on G &T concepts and principles and the programming area keyword. This quantitative tool (1) is used to support quantitatively the desk review of the documents; it will allow checking how many times the selected G &T keywords are used (quantitative).

HOW TO PROCEED?

The selected project document is opened to start proceedings as follows:

- Use “Ctrl F” to activate the search option (in word or Pdf),
- Write the key word in the case, then “find next”,
- Then activate the “more” button, and stick the “find whole words only” sensitive case,
- Then a new key word is chosen and the exercise is repeated until all keywords are counted.

The number of times the word is counted has to be noted in the table set for each document.

THE KEY RESPONSE AND RELATED RATING

The assumption is that the keywords are either in the document or they aren’t and for this reason, the easier response would have been to limit the response key to close responses such as “ Yes” or “No”. This way is valid and even preferable in case of doing a purely quantitative corpus’s review or even of a limited topic but certainly not enough responsive.

The exercise is focusing either if gender needs are met or human rights are realized through the use of a number of concepts/words (sex, gender, roles, women and men, girls and boys, right...), tools (gaps, data...) or principles (equality, equity, empowerment...) on the basis of that, responses must be therefore nuanced/qualified Yes, No or Frequently/To A Certain Extent or Not Specified...

The questions/responses are not so simple not only because “gender and/or Human rights mainstreaming” is not a “black or white” image but also because of these very simple examples: it is possible to find some words (Yes) but they are Not Specified, e.g. Gaps (but not gender gaps) equity (but not gender equity) inequalities, (but not gender inequalities), abuse (but not sexual abuse)...This approach which is open and at the same time accurate will help in demonstrating what is missed and/or need to be performed including for gender and human rights specific projects.

When the tool is to be used for the first time, it will be essential to test it on a small sample to be refined if need be before being generalized to the review of the whole population. The testing will allow also setting the rating based on the counting (total number and average) of each key word and responses for each document.

Therefore, depending on the findings of the testing and/or the pre-established rating based on the sample size, the response key for the corpus of the reviewed projects documents is to be categorized as follows:

Response Key	
Y	YES / ALWAYS
N	NO / NEVER
P	PARTIALLY / OR SOMETIMES
F	FREQUENTLY / TO GREAT EXTRENT
NA	NOT APPLICABLE
NS	NOT SPECIFIED

QUANTITATIVE ANALYSIS OF THE QUANTITATIVE FINDINGS

The GAAA facilitator can/will also revisit every document (e.g. Policy, Strategy, Programme, Project), to assess more specifically the “Gender & Trade relatedness” on the following three sections/criteria:

- **Goal/Objective, Outcome/output:** to assess if the project targets any kind of change as regard to gender construction, women and men roles & relationships as well as human rights and/or women status and empowerment such as targeting women’s access to and control over resources that includes among others: access to labour, to credit, equality of wages, access to land/property, to markets, decision making positions, transportation... education, health, sexual & reproductive health and any other services, to only quote these examples. Other resources that are critical to ensure that women benefiting from these services are for instance the spectrum of choices they can have, the informed and free decision they can make and the economic means they can use: e.g. mobility, freedom of movement (e.g. obedience the husband in the law).
- **Actions:** consisting of reviewing the analysis leading to the development of the policy/programme/project’s Implementation and the actions planned in each component of the analyzed document will serve equally women and men, or men and/or women (gender mainstreamed in) and contribute effectively to the achievement of the GHRT sensitive goal/objective or not. Specific gender actions could be also assessed either as part of the mainstreaming process and/or as affirmative actions to the benefit of women and men individually and/or together. In the case of women, it will be important to know if they are served as active actors and rights holders or passive beneficiaries.
- **Monitoring & Evaluation:** intending to assess existing M&E mechanism/s and indicators used to measure the close relationship of planned and/or expected change, from one part, and gender equality and women empowerment to enjoy equally with men their human rights.

SUPPORTING DOCUMENT 3

TOOL 2 GUIDELINES

THE GHRT QUALITATIVE CONTENT ANALYSIS: THE CHECK LIST (Tool 2)

The GHRT check list in its review intends to check, count and analyze if the utilized language is sensitive to Gender and Human Rights and if the mainstreaming is made in all policy making and/or programming process: starting from the assessment and analysis of the situation and related gender diagnosis, selection of priorities to the stated objectives, planned and implemented actions to the expected and achieved results and finally M&E mechanisms and indicators.

THE CORPUS

For the 2nd phase, a new sampling will be selected from the corpus of the 1st phase and 1st tool which will become in this case the whole population.

Limiting the corpus/content of the 2nd phase and the 2nd tool intends to make easier a more in-depth analysis and later on, apply a comparative analytical approach with the findings of the different phases.

THE CORPUS'S UNITS

One of the main tasks of the second phase of the GHRT review and analysis is to apply the check list (herewith attached) specially prepared and adapted for this purpose and phase. "Themes" are used for the coding purposes and the check list consists of a series of categories and sub-categories with corresponding questions that could be summarized as follows:

- **Programme Background and Analysis** (Does the project include Gender quantitative and qualitative analysis and/or consultation on gender related issues?) will be approached through two sub-categories: data and sex-based discrimination,
- **Programme Preparation and Programme Strategies** and more specifically as regard to Gender mainstreaming as a strategy and/or part of the Human Right Based Approach to Programming/HRBAP mainly through national legislations and international standards and more particularly CEDAW and others in this case Trade agreements if ratified by the concerned country,
- **Actions/Expected Results** (Is the checked document expected to narrow gender disparities, including through specific actions to address the distinct gender needs and/or to have a positive impact on gender equality?). As regard to achievement of gender equality and women's rights, is there any interest to identify targets, commitments, use of sex-disaggregated data, strategies, budget, involvement of men, challenging gender roles...

Gender & Trade

- **Monitoring & Evaluation** (Does the checked Document include mechanisms to monitor impact on men and women, and realization of their Human Rights and facilitate sex-disaggregated data with gender analysis?) with focus on G &T sensitive indicators to measure achievements and differential impact on boys and girls, women and men, or for changes in the relationships between them or as regard to their human rights and gender equality.
- The check list could be tested and refined when needed before and during its generalisation to the whole sampling. When applied, the check list review should cover all parts of the document. Descriptive answers are recommended to be used to facilitate the qualitative analysis and understanding.

LEVELS OF THE QUANTITATIVE REVIEW

The levels are both quantitative and qualitative with a more in-depth analysis of the corpus through a series of questions covering the above categories and sub-categories. The volume of the corpus differs from a document to another but with no impact on the approach and/or the process.

When doing this exercise, GHRT reviewers/facilitators should take into account the step/level of the programming process and implementation plans when existing in related documents.

The review of the selected documents --i.e. the second sampling-- will have to define the interventions and the main perspectives that are integral part of the institution/organisation's concerns in relation with the specific assignment revolved around these four axes:

- Gender analysis and mainstreaming/GAM,
- Human rights based approach/HRBAP with focus on related international instruments mainly CEDAW,
- Results-based-management/RBM through the review of the goal/objectives, outcome/ outputs and the expected results reporting and to which extent they are GHRT sensitive...

HOW TO PROCEED?

The documentary review and analysis consists among others of:

- Systematically read each document,
- Apply the check list/analytical grid to each document,
- Proceed to the counting of a series of GHRT raised issues/questions and keywords,
- Assess/compare the consistency of the "intended" gender analysis and mainstreaming – or not -- among the chain of results,
- Assess/Compare the consistency of the "intended" operationalization of the HR claims and duties including through at least two related HR instruments mainly CEDAW and other related Trade agreements, if any,
- Assess/Compare to which extent gender mainstreaming as well as Human Right based Approach due to their interlinkages have been applied (process, actions, expected results and related indicators),
- Synthesize the findings in each reviewed document and consolidate them for each category and its sub-categories... and the exercise as a whole.

THE KEY RESPONSE AND RELATED RATING

The discussions and testing allow also the finalization of the rating based on the counting (total number and average) of the key responses to each question of each category and related sub-categories. The response key for the reviewed documents and related corpus is categorized as follows:

Response Key	
Y	YES / ALWAYS
N	NO / NEVER
P	PARTIALLY / OR SOMETIMES
F	FREQUENTLY / TO GREAT EXTENT
NA	NOT APPLICABLE
NS	NOT SPECIFIED

QUALITATIVE ANALYSIS OF THE QUANT. AND QUALIT. FINDINGS

Tool 1 and Tool 2, even complementary, are different. For the first one, the responses are evaluated on the basis of the counting of the number of keywords and for the second, the response is to a question that requires the appreciation of the GHRT facilitator/analyst based on his/her knowledge and screening/assessment, but still objective, and not of the machine: it is qualitative even if responses can be quantified.

For the tool 2, the assessment is both horizontal and vertical:

- The number of responses is counted for each category representing the number of responses of its subcategories. In case of reporting or need for visualisation and direct reading which is recommended, a diagram could be drawn with all topics findings providing a sort of GHRT profiling for each single document but also of each concerned institution/organisation.
- The number of responses counted for each single category and its subcategories such as gender mainstreaming category and the total of the responses for this category in the total number of all checked documents will provide a sort of “trend” as regard for instance to the institutionalization of Gender Mainstreaming approach in the concerned organisation through the findings of the sample of ProDoc.

In sum, the responses will be appraised not only per project (vertically) but per topic for all reviewed documents (horizontally). For instance, the assumption could be to have for one project and the sub-category “data” either a total of “N” or a variation that could be expected mainly for a document which is declared or supposed to be G & T sensitive project. This will make a difference for the total and final evaluation of the category “data” (and for all others) in the programming at least through the reviewed projects.

SUPPORTING DOCUMENT 4

THE GENDER CONTINUUM LEVELS

The Analytical framework

GENDER BLIND

Gender-blindness refers to a failure to identify or acknowledge difference on the basis of gender where it is significant: i.e. referring to people, vulnerable, poor, children, population, citizens...almost all the time without distinguishing them by sex or according to the gender construction and distribution of labour within the family and society...

GENDER NEGATIVE

Through these interventions, traditional roles and status of women are reinforced and their burdens are aggravated without guaranteeing their access to and control of resources. It uses gender norms, roles and stereotypes that reinforce, even unintentionally, gender inequalities. This approach ignores one of the most important aspects such as the already and effective presence of women in development (WID).

GENDER NEUTRAL

Gender norms, roles and relations are not affected, worsened or improved. This approach recognizes the gender division of roles and labour. It recommends applying the principles of equity/equality in Development programmes and taking into consideration women efforts and calling for necessity to widen women's opportunities as well as their access to resources and skills but does not take any affirmative action (Women And Development/WAD).

GENDER INFORMED³⁶⁰

Analysis: this will confirm the results of the 2nd phase:

- Does the project include analysis and/or consultation on gender related issues
- Specific actions to address the distinct needs of women and girls, men & boys or positive impact on gender gaps
- Mechanisms to monitor gender impact to facilitate gender disaggregated analysis.

GENDER SENSITIVE

This approach addresses gender norms, roles and access to resources in so far as needed to reach project goals. The relationships between men and women are examined to work on evolving current status and development model from purely addressing women's concerns to challenging men-women gaps and inequalities as well as unbalanced power structures at individual and institutional levels (Gender And Development/GAD).

360. The WBG's Gender CCSA criterion, first level/dimension: Analysis .

Programmatic

GENDER-INFORMED

Actions/Expected Results: 1) Is the depth and focus of the gender analysis maintained throughout the strategy and activities? 2) Is the project expected to narrow gender disparities, including through specific actions to address the distinct needs of males and females and/or to have a positive impact on gender equality? and, 3) Has the project budget been set aside for activities that will have a positive impact on women's and girls' rights and/or gender equality?

Monitoring and evaluation: 1) Has the programme (or part of it) been evaluated/monitored according to its differential impact on boys and girls, women and men, or for changes in the relationships between them? 2) Does the project include mechanisms to monitor impact on men and women, and facilitate sex disaggregated analysis? And 3) Have the programme or project results had a positive impact on women's and girls' human rights and gender equality achievement?

GENDER RESPONSIVE

The Gender responsive intervention intends to create an environment through site selection, staff selection, program development, content, and material that reflects an "understanding of the realities of the lives of women and girls and that addresses and responds to their strengths and challenges"³⁶¹. The following gender responsive principles can help for a preliminary assessment and analysis of the situation to adapt accordingly the intervention when addressing gender and human rights issues as follows³⁶²:

1. Gender construction and distribution: Acknowledge that gender makes a difference.
2. Environment: Create an environment based on safety, respect, and dignity.
3. Relationships: Develop policies, practices, and programmes that are relational and promote healthy connections to children, family, significant others and the community.
4. Services: that would be made available according to the area of intervention through comprehensive, integrated, and culturally sensitive and relevant provision.
5. Socioeconomic status: Provide women with opportunities to improve their socioeconomic conditions and reinforce their access to and control over resources.
6. Community: Establish a system of comprehensive and collaborative community services.

GENDER TRANSFORMATIVE

It examines the relationships between men and women, challenging existing power structures, as well as the ideologies and institutions that preserve that power.

This criterion will assess to which extent the reviewed project is aiming to transform unequal gender relations to promote shared power, control of resources including decision-making, and provide support for women's empowerment i.e. positive discrimination measures and/or affirmative action/s (GAD).

361. Covington & Bloom, quoted in page 5 of Gender -Responsive Strategies: Research, Practice, and Guiding Research for Women Offenders Principles for Women Offenders, Barbara E. Bloom, Ph.D. Associate Professor Dept. of Criminology and Criminal Justice Sonoma State University. 2006

362. Adapted from an Example of Gender Responsive Principles when addressing women addiction: in Responsive Strategies: Research, Practice, and Guiding Research for Women Offenders Principles for Women Offenders, Barbara E. Bloom

THE TOOL 3 GUIDELINES

THE GHRT CONTINUUM (TOOL 3)

As the tool Quantitative Content Analysis (Tool 1) and the Qualitative Content Analysis/check list (tool 2), the Gender Continuum (Tool 3) could be applied as it is to any programming document. However, its use –as of the others– will make more sense, if it helps to complete a comprehensive step-by-step analysis/evaluation based on the findings of the one conducted in the 1st and the 2nd phases for a deeper and refined appraisal..

THE CORPUS

The corpus is the same as for the 1st and 2nd phase revisiting the whole corpus. However focus will be on the 2nd tool's findings (qualitative content analysis) to ensure a more comprehensive evaluation. The conclusions of the continuum exercise will allow defining the approaches in both situation analysis and programming processes herewith organised for a methodological purpose: analytical and programmatic frameworks.

THE CORPUS'S UNITS

For the purpose of this final evaluation, the two-level framework (analytical and programmatic) is being built on the basis of a synthesis of the trends and approaches related to women, gender and development which gained increasing prominence since the 1970s to target the developing countries (see supporting document 2: from WID to GAD).

The corpus units are the analytical framework and the programmatic framework which represent a practical division of the planning process, each one of them encompassing a series of levels/sub categories as herewith described:

LEVELS OF THE QUALITATIVE REVIEW & ANALYSIS

The third tool is more comprehensive. The different readings and findings at each stage of the quantitative and qualitative analysis, will try in a final review to classify the approach adopted in each one of the project documents of the sample, a single project document or whatever is the selected material for the review/audit, thanks to the continuum from being blind to transformative: see attached grid and related supporting documents.

For the tool 3, the responses will be appraised:

- First per document –policy, programme, project-- (vertically), the number of responses will be counted for each category and for each project (the number of responses for each of the various categories of projects is those of the sub-categories).

- Second, for all projects, (horizontally) by doing a wrap up of results for all reviewed projects to determine the overall trends in gender and human rights mainstreaming and compare the results with those of the previous 1st and the 2nd phase.

This final result will also help in building evidence-based recommendations from one part and developing a more practical algorithm from another part.

HOW TO PROCEED?

As a matter of fact, the Tool 3 --both approach and process--, is also built on the same steps and levels of the strategic planning process:

- The 1st step is related to the analytical framework and process i.e. evaluate to which extent the assessment and analysis of the situation concur to make a gender diagnosis (roles, relationships, access to and control over resources, norms and values...), identify various forms of discrimination and related gaps namely gender gaps, assess gender needs, both practical and strategic, and finally select the priorities according to the challenges and opportunities-if defined in the reviewed document- that are contextual: as already above-stated, the levels of evaluation will vary from gender blind to gender sensitive,
- The 2nd step is related to the programmatic framework and process and that means that the results of the above gender-based situation analysis will be taken into consideration to set the Goal/objectives, outcomes/outputs. Noting that expected results are supposed to target the elimination of discrimination in its different forms and for that purpose, plan to reduce gender gaps and influence the change in gender dynamics and construction i.e. “de-construct to re-construct”: the levels of evaluation will vary from Gender Informed to Gender Transformative.

THE KEY RESPONSE AND RELATED RATING

It is worth to note that if the Gender Continuum is used as the only audit/analysis tool or expected to be the final evaluation of the results of the Tool 2, vigilant return to the text whenever necessary will also be essential to avoid missing critical information and misinterpretation because things are far from being simple. Just for instance any assessed “gender blind, neutral or even negative” project can have some Gender/HR aspects or use some of its tools (e.g. sex-disaggregated-data) or principles (e.g. participation) even if they are not directly related to or recognized as being Gender and/or Human Rights issues, priorities... when others either informed, sensitive or even transformative could be questionable for one or another aspect: in many cases, gender and human rights are dressed more than addressed.

The response key for the evaluation of the approach and process of each reviewed document will be organized and categorized as herewith described:

Gender & Trade

Key response & Score	Yes/ always	Partially/ Sometimes	No/ Never
	Y	P	N
Approach			
Analytical Framework			
Gender Blind			
Gender Negative			
Gender Neutral			
Gender Sensitive			
The Programmatic Framework & Process			
Gender Informed			
Gender Responsive			
Gender Transformative			

ANALYSIS OF THE FINDINGS

Gender continuum is the framework that appraises the process, the approach and interventions: from gender blind to transformative vision towards Gender Equality and Human Rights. Summing quantitatively the results of the Continuum and analysing them qualitatively could define what the trends and approaches are and confirm the findings of the results of the phases and tools 1 and 2.

These trends and approaches aimed first, the improvement of women's situation and access to their basic rights and status, either in the context of their traditional reproductive role (WID) or taking into account their productive contribution (WAD). After having noticed the limits of the two previous approaches (WID&WAD), the social and development dynamics were widened in order to assess the gender gaps and reducing them became a priority to achieve men-women equality in human rights including right to development (GAD) focusing in this case on economic development and Trade.

When gaps are identified either at analytical or programmatic levels or inconsistency between both, recommendations could be made also on the best ways to address these gaps.

SUPPORTING DOCUMENT 5

THE TOOL 4 GUIDELINES

THE FAIR TRADE CHECK LIST (TOOL4)

Countries and/or organisations that are not members of the WFTO are not committed to its rules, principles or code of conduct and therefore not accountable for their implementation or respect. However the WFTO's Principles could be considered as enough pertinent to be used also as a Gender & Trade check list to assess the Economic and Trade policies and related programmes.

And this is not only because they are stating Fairness in Trade. Indeed the 10 principles are clearly gender sensitive and extol Non-Discrimination, Equity and Women's Economic Empowerment but also women-men equality to only quote the right to equal pay for equal work: This tool is proposed and valid only for this exercise.

THE CORPUS

The corpus is the same as for the 1st and 2nd phase revisiting the whole corpus and focusing on the tool 2nd's findings (qualitative content analysis) for a more comprehensive evaluation to define through conclusions, the approaches in both situation analysis and programming processes called for a methodological purpose: analytical and programmatic frameworks.

THE CORPUS'S UNITS

For the purpose of this final evaluation, the two-level framework (analytical and programmatic) is being built on the basis of a synthesis of the trends and approaches related to women, gender and development which gained increasing prominence since the 1970s to target the developing countries (see supporting document 2: from WID to GAD).

The corpus units are the analytical framework and the programmatic framework which represent a practical division of the planning process, each one of them encompassing a series of levels/sub categories as herewith described:

LEVELS OF THE REVIEW, ANALYSIS & APPRAISAL

WFTO prescribes 10 Principles that Fair Trade Organisations must follow in their day-to-day work and carries out monitoring to ensure these principles are upheld. The 4th tool has been specially created to this exercise to assess to which extent the corpus that has been reviewed and analysed at each phase and with each tool (1,2 & 3) could be "Fair Trade sensitive" to complete the landscape even if the reviewed and assessed documentation is not of a Fair Trade organisation.

The levels of the appraisal are the principles themselves to be searched and checked in the selected material particularly in the more specialized documentation, (economic and trade policies) findings of each phase as it is expected.

Principle One: Creating Opportunities for Economically Disadvantaged Producers

- Poverty reduction: towards economic self-sufficiency for producers.
- Principle Two: Transparency and Accountability,
- Transparency and accountability in management and commercial relations with participation of all stakeholders in decision making.

Principle Three: Fair Trading Practices

- Social, economic and environmental welfare of producers.
- Principle Four: Fair Payment.
- Fair Payment is made up of Fair Prices, Fair Wages and Local Living Wages taking into account the principle of equal pay for equal work by women and men.

Principle Five: Ensuring no Child Labour and Forced Labour

- Adhesion to the UN Convention on the Rights of the Child, and enforcement of national / local law on the employment of children.

Principle Six: Commitment to Non Discrimination, Gender Equity and Women's Economic Empowerment, and Freedom of Association

- Respect for trade union rights and rejection of any form of discrimination based on race, caste, national origin, religion, disability, sex, gender identity, sexual orientation, union membership, political affiliation, HIV/AIDS status or age in hiring, remuneration, access to training, promotion, termination or retirement.

Principle Seven: Ensuring Good Working Conditions

- Respect for Labour rights in compliance with the national laws of countries and the conventions of the International Labour Organization (ILO).

Principle Eight: Providing Capacity Building

- Promotion of training opportunities for small, marginalised producers and workers to enable continuous development of knowledge and skills.

Principle Nine: Promotion Fair Trade

- Awareness raising of the need for greater justice in world trade through Fair Trade.

Principle Ten: Respect for the Environment

- Priority to products made from raw materials that originate from sustainably managed sources, and have the least overall impact on the environment.

The different readings and findings at each stage of the quantitative and qualitative analysis, will allow to define the GHR approaches when the 10 principles will try not only to identify if specialized documents are GHR sensitive (child rights, right to labour...) but also to establish GHR and Trade linkages

HOW TO PROCEED?

As a matter of fact, the Tool 4 --both approach and process--, is also built on the same steps and levels of the GHRT Continuum:

- evaluate to which extent the assessment and analysis of the situation consistent with the 10 Fair Trade principles taking into account there are no variations but a completion among the principles/ levels of evaluation.
- Estimate to which extent the goals/objectives and expected results are as assessed by the GHRT Continuum contribute or not to the respect of the 10 principles and identify accordingly related Gaps.

THE KEY RESPONSE AND RELATED RATING

The response key for the evaluation of the approach and process of each reviewed document will be organized and categorized as herewith described:

Key response & Score	Yes/ always	Partially/ Sometimes	No/ Never
	Y	P	N
Principles			
P1: Creating Opportunities for Economically Disadvantaged Producers			
P2: Transparency and Accountability			
P3: Fair Trading Practices			
P4: Fair Payment			
P5: Ensuring no Child Labour and Forced Labour			
P6: Commitment to Non Discrimination, GE WEE, and Freedom of Association			
P7: Ensuring Good Working Conditions			
P8: Providing Capacity Building			
P9: Promotion Fair Trade			
P10: Respect for the environment			

ANALYSIS OF THE FINDINGS

The Fair Trade Principles are applied to define to which extent the material reviewed at different phases and with utilization of various tools helps are also GHR sensitive.

When weaknesses & gaps are identified that need to be worked on to ensure that Gender and Human Rights principles are mainstreamed Economic Policies and Trade Agreements and Fair Trade Principles are easily applied.

SUPPORTING DOCUMENT 6

THE PILOT RAPID ASSESSMENT The GAAA questionnaire framework

INTRODUCTION

The overall long term objective of this project is to provide support and technical expertise on gender and human rights integration in economic policies and Trade in the Region, from one side, and support the monitoring and evaluation of the Sweden's MENA cooperation and development work in relation to the Sweden's Feminist Foreign Strategy and the implementation of the Regional Strategy for Sweden's Development Cooperation with the MENA and the CAWTAR's Strategic Plan of Action and its operational framework, from another part.

MAIN CONCEPTS

- **Sex**

Sex refers to the individual's identity of male and female and related characteristics: the primary sexual characteristics that are obvious at birth recognizing the "sex" of the newborn "it's a boy, it's a girl"; the secondary sexual characteristics which usually confirmed at puberty.

- **Gender roles & status**

"what we are" is the position or the situation that we occupy in society: it is called status. "what we do" corresponds to what is expected from us as tasks to be done and duties to be assumed as a result of that status and position: these are "roles".

- **Status**

A status is "...simply as a position in a social system, such as to be child or parent. Status refers to what a person is, whereas the closely linked notion of role refers to the behavior expected of people in a status"³⁶³.

- **Roles**

The role or behavior learned by a person as appropriate to his/her biological sex and the gender construction as determined by the prevailing values system, social, cultural, political and economic norms... in the society and/or group he/she belongs. Gender roles could also change in the same space and same time on the basis of the activities women and men have at a given time and space or according to the glance that is carried on them at this moment or at any time and in this place or whatever the place.

363. R. Linton (1936) quoted in <http://www.sociologyguide.com/>

- **Access to/control over resources**

“Access: the opportunity to make use of something/resources for a larger gain. Access will reflect the rules and norms that govern distribution and exchange in different institutional arenas. Control: the ability to choose or define how and for what purpose it will be used, and even to impose that definition on others—in other words, another word for “control” might be power, and power can be positive or negative depending on its purpose”³⁶⁴.

Resources are all factors that are required to ensure self-accomplishment and empowerment towards equal enjoyment of human rights. Resources are understood as a full range of tangible and intangible assets that are essential for translating access into choices and change³⁶⁵.

- **Types of resources**

For some users of the concept/tool, the tangible assets include concrete economic and political resources: money, funding, credit, jobs, land, property, tools, equipment, fertilizer, health care, water and other natural resources, technology, education, information, food, housing, police protection, legal services, healthcare, political representation. Intangible assets include other resources such as time, safety, well-being, political networks and social capital, credibility, self-confidence, self-esteem, decision making, creativity, organization, friends, fun, love, etc.

Others organize resources differently in a way that could allow measurement thanks to the definitions or set up of indicators.

- **Human rights**

“Human rights are universal legal guarantees protecting individuals and groups against actions of state and non-state actors which interfere with fundamental freedoms and human dignity”³⁶⁶.

- **Human rights of women**

The equal rights and inherent human dignity of women and men and other purposes and principles enshrined in the charter of the united nations, to the universal declaration of human rights and other international human rights instruments, in particular the convention on the elimination of all forms of discrimination against women and the convention on the rights of the child, as well as the declaration on the elimination of violence against women and the declaration on the right to development” (Beijing platform for action, para 8).

364. Cornwall, Andrea and John Gaventa (2001), *Power, Knowledge and Political Spaces in the Framing of Poverty Policy*, IDS WP 143; and Gaventa, John (2006), ‘Finding the Spaces for Change: A power analysis’, in *Exploring Power for Change*, IDS Bulletin 37.6, Brighton, IDS in <http://www.forum.awid.org/forum12/2013/03/organizing-for-womens-economic-empowerment-access-to-resources-and-principles-for-change/>

365. <http://www.forum.awid.org/>

366. UN, 2000

OUTLINES OF THE GENDER AUDIT QUESTIONNAIRE

The GAAA questionnaire is divided into two sections. Each section includes a number of subsections that focus more closely on a specific area in this section. The questions and statements you are asked to answer are preceded by a list of terms and an explanation of the response categories.

Read the questions or statements in each section and check the response category that best describes your answer to the question or statement.

Your answers will be counted with those of your colleagues.

Your identity and your answers will remain confidential.

I. PROGRAMMING :

1. Program Planning and Design
2. Program Implementation
3. Technical Expertise
4. Monitoring and Evaluation
5. Partner Organisations

II. ORGANISATION :

- A. Gender Policy
- B. Staffing
- C. Human Resources
- D. Advocacy, Marketing et Communications
- E. Financial Resources
- F. Organisational Culture

EXPLANATION OF RESPONSE CATEGORIES

The Gender Audit questionnaire is designed to solicit three types of information (1) to what extent? , (2) to what intensity? , and (3) to what frequency?

(1) TO WHAT EXTENT ?

Questions are designed to determine the extent Gender Equality / Equity Integration have the following response / information categories (5):

- Not at all : there is no policy or system in place, little awareness by staff, no training available, no expressed commitment by leadership.
- To a limited extent: there is a policy being developed or in place but not implemented, the system somewhat effective, dialogue on values or norms has begun, minimal training provided, leadership supportive but not proactive.
- To a moderate extent:there is a policy in place and usually implemented, the system is usually effective, values and norms commonly expressed, training available to some staff, and leadership is clearly supportive.

Gender & Trade

- To a great extent: policy is fully in place and reliably implemented, the system is usually effective, values and norms are widely shared, training is widely implemented, and leadership is strongly and visibly committed.
- To the fullest extent : a comprehensive policy is fully implemented and monitored, the system is very clear and effective, value and norms are widely shared and evident in actions, there are well-designed training programmes regularly available for a large number of staff, and leadership champions the issue.
- JE NE SAIS PAS: a lack of knowledge to respond to this question.

(2) TO WHAT INTENSITY ?

Questions or statements designed to determine the intensity of Gender Integration have the following response categories:

- Strongly agree: very clear and strong support for the statement.
- Agree : support for statement.
- No opinion: neither support or lack of support for the statement.
- Disagree: lack of support for the statement.
- Strongly disagree : very clear and strong lack of support for the statement

(3) TO WHAT FREQUENCY ?

Questions or statements designed to determine the frequency of Gender Integration have the following response categories:

- Always: very consistent and regular practices, behaviors and implementation of policies.
- Frequently: fairly reliable practices, behaviors and implementation of policies.
- Occasionally: meaning irregular practices, behaviors and implementation of policies.
- Seldom: infrequent, inconsistent practices, behaviors and implementation of policies.
- Never: no practice, behaviors or implementation of policies.
- Do not know: a lack of knowledge to respond to this question.

SUPPORTING DOCUMENT 7

THE PILOT RAPID ASSESSMENT

1. The GAAA ethics and code of conduct

Code Of Conduct

- The confidentiality of individuals and information disclosed at all times and under any circumstance shall be protected,
- Informed consent³⁶⁷ should be given by anyone (i.e. respondent/interviewee) involved in the GAAA. In case of recording or taking pictures that could be used in the report, the consent needs also to be clearly stated.

Be Conscious of Your Word Choice

- Be accurate taking into account that the words you use are important since some KIIs may not know or like to use some words (e.g. gender, discrimination, women empowerment, women-men equality, audit...) because of their own belief or they may not be comfortable speaking directly about achievements –or not- in their sector/entity or as individual.
- Work with the interviewee/s to determine the best approach, framing and language for their interview.
- Ensure the KIIs understand very well the concepts and principles and know the progress made in their country (legal and policy framework as well as international commitments).
- Whatever they decide, respect this in the interview and in the final reporting.

Tips for the GAAA Facilitators³⁶⁸

- The audit process is one of internal reflection and, at times, can unearth uncomfortable thoughts and ideas.
- The role of the gender audit facilitator is to develop an atmosphere of trust and encouragement so that the Key Informant Interviews/KII feel their voices are valued, heard, understood, and that they will be held in confidence.
- The facilitator can help create an environment where KIIs feel they can be honest and open by ensuring that regular communication shows clear goals and processes for each step of the audit process.
- Furthermore, all sessions should ensure their confidentiality while also being interesting, interactive, and engaging.
- Be sure to devote adequate time to conducting the gender audit process, making sure that you and your colleague/team have enough time to carry out each step of the audit.
- Start by familiarizing yourself with the questionnaire and coding system and each step of the audit.
- Learn more if you don't feel comfortable with a particular area (e.g. holding focus groups, survey methodology), or enlist help from others in your organisation.

367. Letter of consent

368. InterAction Gender Audit Handbook: A Tool for Organizational Self-Assessment and Transformation <https://www.interaction.org/sites/default/files/Gender%20Audit%20Handbook%202010%20Copy.pdf>

The Consent form

CONSENT FORM

I agree to participate in the interview on issues relevant to equal gender participation in the economic field in general, and in the commercial sector in particular.

The purpose of the interview is to “take stock of the current situation with regard to these issues and accordingly to propose recommendations to enhance this participation”. This purpose was clearly explained to me.

The data / experiences that will be collected relate to the knowledge of these issues, as well as to the relevant perceptions, attitudes and behaviors.

I understand that the names of participants in these interviews will be coded to ensure confidentiality.

I understand that, upon my request, I could have a full description of the results of the situation analysis, once completed.

I understand that the data drawn from this situation analysis can be published.

I understand that I am free to withdraw from this situation analysis at any time without adverse consequences.

I understand that if I have questions or inquiries about this research, I can contact Mrs. / Mr. at the following phone number :

I HAVE READ AND UNDERSTOOD THIS CONSENT FORM, AND AGREE TO PARTICIPATE IN THIS SURVEY.

Name & Surname (or other):

Phone number :

Signature :

Date :

