

Concept Note

Enhancing women's economic empowerment in the Middle East and North Africa: analysis of recent legal reforms in selected countries

This document is a concept note on the forthcoming OECD flagship publication on recent legal reforms in support of women's economic empowerment in the Middle East and North Africa.

Given the great and unexploited potential that women represent, their economic empowerment needs to be supported and enhanced in order to boost growth and competitiveness in the region. Women's economic empowerment and their active participation in public life is critical for the future of the MENA region. This note provides a background on women's economic empowerment in the MENA region, and details the rationale and main objectives of this publication as well as the research methodology. This forthcoming publication is developed by the OECD, in partnership with CAWTAR and possibly other regional and international organisations.

The OECD has been working in close partnership with a range of MENA countries to improve gender equality and women's empowerment in the region. The MENA-OECD Initiative on Governance and Competitiveness for Development includes gender components in both its Governance and Competitiveness Programmes and gender is mainstreamed throughout other components of the Initiative. The Initiative is promoting women's political as well as women's economic empowerment since they go hand in hand.

The 2018 MENA-OECD Women's Economic Empowerment Forum (WEEF) "Awareness into action: Achievements and priorities for women's economic empowerment in MENA" is a great opportunity to collect information on recent legal reforms in support of WEE in the MENA countries. This information will be gathered mainly through a working session where participants will delve into detail about experiences and best practices at the national level in terms of legal reforms and promising practices to support women's economic empowerment.

1. Women's economic empowerment in the MENA region

Countries around the world, including in the MENA region, are very heterogeneous in terms of their level of progress towards gender equality, as well as in their approaches to reach gender equality. However overall, women in the MENA region are more educated and skilled than ever. Tertiary school enrolment rates for women in the MENA region have increased significantly since 2005, up from 23.7% to 41.6%¹ in 2016, exceeding men's enrolment rates of 39%, as well as the world average of 38.9%. Despite progress, the educational gains achieved by women are yet to translate into greater empowerment and participation in public life. Their potential remains significantly unexploited as the MENA region records the lowest women labour force participation rates, of approximately 21% against 77% for men². Young women are particularly vulnerable with unemployment rates of women significantly higher than that of men, with on average 41% of young women unemployed against 23% of young men. These gaps in equality mean that MENA countries are losing out on the potential of women to contribute fully to economies and societies. Our data estimates that the impact of discrimination in laws, attitudes and practices costs the MENA region a staggering USD 575 billion³. It is estimated that closing the gender gap in labour force participation rates would increase GDP by 47% in 2025 in MENA⁴.

MENA countries have committed towards the 2030 Agenda for Sustainable Development as well as the Cairo Declaration for Arab Women together with its Strategic Executive Plan and will have to report on progress. The wide-ranging United Nations 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs) promise to increase the prioritisation of gender equality and women's empowerment within national and global development agendas. Indicators relating to gender equality and women's economic empowerment appear in the gender specific SDG5 on "Achieve gender equality and empower all women and girls" but they are also linked to the achievement of other SDGs and to the Agenda 2030 as a whole. In particular, ending poverty in all forms (SDG 1), promoting decent work and economic growth (SDG 8), fostering industry, innovation and infrastructure (SDG 9), reducing inequality (SDG 10), promoting peaceful and inclusive societies (SDG 16) and developing a global partnership for sustainable development (SDG 17). Therefore, this provides an opportunity to accelerate action on gender equality and women's empowerment.

Despite support measures and progress in recent years, different impediments and constraints still affect women as producers and workers. Different types of legal frameworks including family laws and labour laws still hold back women's economic empowerment. In addition, where adequate legal frameworks are in place, their implementation may be hampered by different factors including women's limited access to justice. Although in the aftermath of the 2011 uprisings, many MENA countries enacted ambitious measures to strengthen women's status, notably through constitutional and institutional reforms, discriminatory provisions continue to exist in statutory as well as customary national laws that are holding back women's economic empowerment.

Therefore, it is crucial to engage in legal reforms with a view to reducing de facto discrimination and ensuring effective progress for women's economic empowerment. However, this may remain a long-term and challenging undertaking since legal reforms are usually time-consuming and depend on the

¹ World Bank DataBank, UNESCO Institute of Statistics

² Modeled ILO estimates, 2017

³ Ferrant and Kolev (2016), The economic cost of gender-based discrimination in social institutions, OCED Development Centre, https://www.oecd.org/dev/development-gender/SIGI_cost_final.pdf

⁴ The power of parity: how advancing women's equality can add \$12 trillion to global growth, McKinsey Global Institute, 2015

political climate. Laws and society are mutually influencing and changes in society can push or to the contrary hold back legal reforms.

Legal amendments but also concrete supportive actions which may precede and support subsequent legal reforms can be introduced or stimulated by governments to enhance women's economic opportunities. Experiences of actions and practices supportive of women's economic empowerment can be identified throughout the region but also in other parts of the world and could inspire concrete economic opportunities for women.

2. Main objectives of the publication

This publication aims at providing development practitioners and decision-makers with an analysis of recent legal reforms, implementation efforts and enforcement mechanisms that enhance women's economic empowerment in selected MENA countries (Algeria, Egypt, Morocco, Jordan and Tunisia). The publication will further build on the 2017 OECD publication on '[Women's Economic Empowerment in Selected MENA countries: The impact of legal frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia](#)' and on the forthcoming 2018 WEEF conclusions. The added value of this publication consists of providing actionable examples and practical tools to policy makers on legal reform, as well as concrete promising actions and practices that can encourage women's economic empowerment. The publication responds to a demand from different economies in the MENA region in terms of building the evidence base to encourage legal reform and policy dialogue to enhance women's economic empowerment.

New Constitutions have been adopted in Egypt (2014), Morocco (2011), and Tunisia (2014). Algeria and Jordan amended their Constitutions in 2016 and 2011 respectively. These new constitutional texts strengthen women's status by guaranteeing gender equality. In all four countries, Constitutions have pre-eminence over all other national laws. This implies that, in principle, these countries are bound to repeal or amend inconsistent provisions in underlying domestic laws. However, past OECD research has shown that national laws continue to hold back women's economic empowerment.

Research shows that different types of national legal frameworks are not in line with women's rights guaranteed in the constitution, including family law, employment and labour law, entrepreneurship and business law, social security law, criminal law, tax law and customary laws. Lack of awareness of existing laws, issues regarding their interpretation and/or full implementation and women's access to justice also impede gender equality.

The proposed publication will build on previous OECD research and will consist of a compilation of case studies to facilitate the transfer of good practices in the region. It will thus focus on:

1. Cases on the recent legal reforms (on women's economic empowerment specifically or other legal reforms that have/have not considered the issue of WEE) in the five countries; analysis of their impact in helping impulse greater women's economic empowerment and identification of where gaps still lie.
2. Case studies detailing if and how, in the five countries, these recent legal reforms have already been implemented/enforced by the administration and the judiciary.
3. Case studies analysing supportive/complementary (policy) actions in the five countries that have led/are contributing to legal reforms in support of women's economic empowerment. A

look at how different governmental and non-governmental initiatives have been able to drive change for increased gender equality and what have been keys in catalysing action and change.

The countries selected for this research are Algeria, Egypt, Jordan, Morocco and Tunisia. When available, practices from other countries within the region will also be documented.

3. Methodology

The publication will adopt a case study methodology whereby 20 to 30 case studies will be documented on legal reform, the enforcement/implementation of these reforms and supportive/complementary policy actions in support of women's economic empowerment. This will allow identifying common elements that constitute success factors. The publication will analyse whether and how these reforms and actions could be replicated and implemented in other MENA economies.

The information for the case studies is being collected through **questionnaires** and interviews with key informants. The questionnaires (see annex 1) were sent out in July 2018 to the WEEF database and the collection of data will continue until April 2019. In parallel, a **desk review** is being undertaken on legal reforms and promising case studies. In addition, a wide range of potential **contributors** are being contacted, including representatives from different Ministries, International organisations, Regional organisations, NGOs, the private sector, lawyers, judges, parliamentarians and academia from the region. **Missions** are organised to the selected countries in order to further explore and triangulate the findings from the desk review. Missions to Tunisia and Jordan were conducted in July and October respectively. Missions to Algeria, Egypt and Morocco are planned for January, February and March 2019.

The 2018 WEEF, as well as the follow-up missions, will provide an opportunity to collect additional input regarding the legal reforms in support of women's economic empowerment. Regular WEEF meetings will allow for monitoring progress on recent legal reforms, their implementation and supportive/complementary policy actions.

This publication will be the result of a partnership between the OECD and CAWTAR, possibly other international and regional organisations. In addition, inputs by many local experts via completion of questionnaires will be acknowledged in the forthcoming publication.

Furthermore, this publication will be complementary to the work of other international and regional organisations on similar research questions.

Annex 1.a. Questionnaire on legal reforms in support of women's economic empowerment

In support of the 2019 OECD publication "Enhancing women's economic empowerment in the Middle East and North Africa: analysis of recent legal reforms in selected countries", please consider completing the below questionnaires to be found on:

In English: <https://www.surveymonkey.com/r/GRS-Legal-Reform-EN>

In French: <https://www.surveymonkey.com/r/GRS-Legal-Reform-FR>

In Arabic: <https://www.surveymonkey.com/r/GRS-Legal-Reform-AR>

Questionnaire to collect recent/ongoing **legal reforms** that have impacted women's economic empowerment.

For example recent changes in family law, labour law, and business law.

We kindly ask you to fill out this questionnaire. Your valuable responses will help us to identify the topics to include in our research. Please note that you can skip questions and only fill out the parts that you feel are most relevant. Even if you have not completed all the questions, please do submit the questionnaire.

In case you would like to submit more than one legal reform, please fill out the questionnaire several times in order to describe each reform separately.

1. Information regarding the respondent

1. Please provide your contact details:

- Name:
- Surname:
- Organization:
- Country:
- Phone:
- E-mail:

2. Information regarding the legal reform

Description of legal reform

2. Please describe the legal reform in favour of women's economic empowerment that you are proposing to be included in the OECD publication. Go into detail on how the reform took place. Please include the title, year and articles of the legal frameworks that you are mentioning.

3. Explain the main motive for the reform. Please go into detail about why this reform was so important to enhance women's economic empowerment.
4. What were the factors that made this legal reform a success?
5. What were the difficulties that had to be overcome to make the legal reform a success?

Impact of legal reform

6. What has been the impact so far of this legal reform on women and their communities? If available, please also provide quantitative data.
7. In your opinion, which part of society is aware of this legal reform:
 - Majority
 - About half
 - Less than half
 - Very small part

Legal reform process

8. What is the status of the legal reform?
 - The reform has been approved and entered into force
 - The reform has been approved, but it has not yet entered into force
 - The reform has not yet been approved
9. Who was behind the reform? Please only tick the most relevant options (possibility of ticking more than one box):
 - Government
 - Businesses
 - Citizens, public opinion
 - NGOs
 - International Organisations
 - Other (Please specify)
10. Has this reform gone through a standard legislative process? If not, please explain the process.
11. What forms of public consultation were used in the preparation of the legal reform: (possibility of ticking more than one box):
 - Informal consultation with selected groups
 - Broad circulation of proposals for comment
 - Public notice and comment
 - Public meeting
 - Internet

- Advisory group
- Preparatory public committee
- Other

12. What was the procedure for making this legal reform known and accessible to affected parties? (possibility of ticking more than one box):

- Television
- Radio
- Newspapers and magazines
- Internet
- Community offices
- Acquaintances, friends, relatives
- Other sources (please specify)

13. Please list links of information resources referring to this legal reform.

14. Please upload information resources such as the actual text of the legal reform, articles or photos. If you have multiple files to share, please send them to: charlotte.GOEMANS@oecd.org

Annex 1.b. Questionnaire on promising practices in support of women’s economic empowerment to be found on:

In English: <https://www.surveymonkey.com/r/GRS-Promising-Actions-EN>

In French: <https://www.surveymonkey.com/r/GRS-Promising-Actions-FR>

In Arabic: <https://www.surveymonkey.com/r/GRS-Promising-Actions-AR>

Questionnaire to collect **complementary (policy) actions** that contribute to implementation of legal frameworks or legal reform in support of women’s economic empowerment.

Examples of possible submissions: advocacy towards legal reform, facilitating access to justice, capacity building/sensitization on women’s rights, measures towards law enforcement such as labour inspection, support to women justice professionals.

We kindly ask you to fill out this questionnaire. Your valuable responses will help us identify the topics to include in our research. Please note that you can skip questions and only fill out the parts that you feel are most relevant. Even if you have not completed all the questions, please do submit the questionnaire.

3. Information regarding the respondent

15. Please provide your contact details:

- Name:
- Surname:
- Organisation:
- Country:
- Phone:
- E-mail:

4. Information regarding the action.

Description of the action

5. Kindly **describe** the action that you are proposing to be included in the OECD publication. Go into detail on how the action works. Please mention the legal frameworks it refers to, including the title, year and articles if relevant.
6. Specify the **country** and exact locations in which the action has been undertaken.
7. List the key **success factors** of the action.
8. **Since when** has this action been adopted? Has the action been completed or is it still ongoing?

Implementation of the action

9. Why was this action put into place? Does the action respond to a specific **need** in society?
10. What were the **difficulties** that had to be overcome to make the action a success?
11. Please list other institutions, partners, implementing agencies and donors involved in the action and the nature of their involvement

Impact of the action

12. What were the results and **impact** of the action on women and their communities? If available, please also provide quantitative data.
13. List the conditions necessary for successful **replication** of the action.
14. If relevant, please specify if this action could **lead to legal reform**? If yes, how and under which conditions?
15. Please list links of **information resources** referring to your action:
16. Please upload information resources such as articles and photos. In case you would like to upload more than one file, please e-mail them to:
charlotte.GOEMANS@oecd.org

THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

The OECD is a unique forum where the governments of 35 democracies work together to address the economic, social and environmental challenges of globalisation. The OECD is at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as inclusive growth, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

<http://www.oecd.org>

The MENA-OECD Competitiveness Programme supports reforms to mobilise investment, private sector development and entrepreneurship as driving forces for inclusive growth and employment in the MENA region, building also on the need to mainstream the region's increasingly well trained youth and women. Launched in 2005 at the request of the MENA governments, the Programme addresses regional and national challenges through innovative policy dialogue, peer-learning and capacity building. It has grown to become a dynamic initiative that continuously adapts its focus to the changing realities of the region.

Participating economies include Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestinian Authority, Qatar, Saudi Arabia, Tunisia, United Arab Emirates and Yemen.

www.oecd.org/mena/competitiveness

The MENA-OECD Women's Economic Empowerment Forum (WEEF), launched in 2017, addresses critical issues such as: equal access to economic opportunities, challenges in implementing legal reforms, gendered data collection, and achieving Sustainable Development Goals. It benefits from the inputs of reputed national experts as well as experts from other regional and international organisations.

[MENA-OECD Women's Economic Empowerment Forum](http://www.oecd.org/mena/weeef)