

## **6 Ten factors for successful reform**

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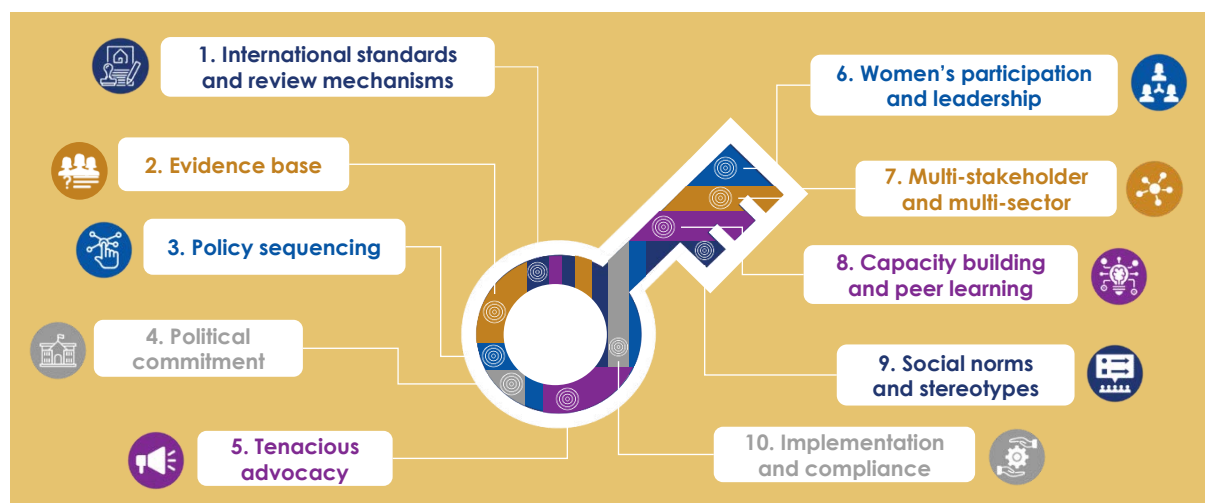
The case studies and interviews conducted for this publication testify to the numerous legal, policy and institutional reforms underway in Egypt, Jordan, Morocco, and Tunisia to support women's economic empowerment. However, they also underscore the complex matrix of factors involved in ensuring that reforms are implemented and that they lead to social change. This chapter analyses the preceding chapters in the report and draws out 10 factors that have contributed to the success of the initiatives described.

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## Infographic 6.1. Ten factors for successful reform

### Ten factors for successful reform

The report identifies ten factors that contributed to the success of the initiatives highlighted. These provide insights for policy makers into what "success factors" they may choose to prioritise to ensure that reforms actually translate into greater women's economic empowerment.



#### 1 Aligning with international/regional standards and review mechanisms

##### Why does it matter?

- Standards are **ambitious benchmarks** against which to measure countries' progress.
- Adherence to these standards sends a signal of **political will**.
- Adherence comes with obligation to **implement** international standards at the national level.
- Countries have to **report on progress**. These progress reports are an important advocacy tool for further reform.

##### Promising practices

- The four countries have ratified CEDAW and several ILO conventions, which are legally binding. However, Egypt, Jordan and Morocco still have reservations to various CEDAW articles.
- OECD Morocco has adhered to the OECD Recommendation on Gender Equality in Education, Employment and Entrepreneurship.
- The four countries have signed up to the SDGs and been actively participating in the Commission on the Status of Women and the Beijing Declaration.
- Regional Standards including the Maputo Protocol and the Cairo Declaration also provide important review mechanisms.

##### Promising practices

- SDGs have provided a strong impetus for improving data collection and analysis on gender equality and women's empowerment.
- Countries are involving a **range of stakeholders** in data collection: government (NSOs), IGOs, academia, CSOs, private sector.
- Countries are collecting **new types of quantitative and qualitative data**: economic cost, attitude towards gender equality etc.
- Evidence-based campaigns** at the right moment have advanced legal reform.
- Improving gender data in MENA countries is an important **priority** for the MENA-OECD Women's Economic Empowerment Forum.

#### 2 Building a strong evidence base

##### Why does it matter?

- Building the evidence base is crucial in **advocating for and securing** legal, policy and institutional reform in support of gender equality.
- Countries have invested heavily in **collecting, analysing and disseminating** different types of data, but gaps remain.
- The situation of women in MENA has undergone **profound change** over the past decade, and it is important to document the changes in society that call for legal reform.

## Ten factors for successful reform (cont.)

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### Sequencing policies towards gradual legal reform

#### Why does it matter?



The interaction between legal and policy reform processes is **complex** and **multifold**.



Legal reform is not an isolated process but takes place in the framework of the countries' overall **policy priorities** on gender equality.

#### Promising practices



Having a gender equality policy can sometimes provide leverage for **pressing for legal reform**. E.g., the National Strategy for the Empowerment of Egyptian Women 2030 was used as leverage to negotiate the revision of Egypt's inheritance law.



A gender equality perspective should also be embedded into the **overall economic strategies**.



Countries have taken advantage of a policy reform in a certain area in order to **mainstream gender concerns**. E.g., overall strategies for refugees in Jordan have included a gender component.

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### Securing political commitment at the highest levels

#### Why does it matter?



Government leaders or heads of state in the four countries have either created **political momentum** for a reform or capitalised on existing momentum to express their support for a certain reform on women's economic empowerment.

#### Promising practices



All four countries have **ministries** and/or **semi-government structures** responsible for enhancing gender equality.



Support from other types of **high-level personalities** (e.g. religious leaders) for legal reforms also has good results.

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### Being tenacious in advocacy and lobbying

#### Why does it matter?



Advocacy and lobbying have been essential for achieving legal reform in favour of women's economic empowerment. In some cases, these efforts needed to be **sustained over decades** in order to achieve results.

#### Promising practices



The four countries have used a range of advocacy and lobbying approaches and techniques throughout the legislative cycle.



Advocacy and lobbying have to deliver the **right messages** to **different audiences**. Throughout the region, social media campaigns in follow up to the #MeToo movement have influenced the recent reforms on violence against women.



The best advocacy and lobbying results have been achieved when **different types of actors** have worked together to put pressure on governments.



Advocacy that begins at the **grassroots level** can evolve into a **national effort**. E.g., in Morocco, a women's grassroots movement successfully advocated for equal access to collective land.

#### Promising practices



Literature and case studies show that support from **female parliamentarians** is important in influencing the passing of gender equality legislation.



When women hold **high-level positions in the government**, both at national and local levels, they are more likely than men to push for gender equality legislation.



Having **more women present in the judiciary** can lead to more landmark cases that open the way to women's economic empowerment.



It is mostly under **female leadership** that **private sector** initiatives in support of women's economic empowerment have been initiated in the region.



Improving the gender balance within **workers' and employers' organisations** can help women to make their voices heard and encourage more women to join the organisation.



Allowing women leaders to gain visibility in the **media** can create a more diverse picture of leadership and role models.

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### Fostering women's participation and leadership

#### Why does it matter?



Having **more women in leadership positions** in different types of institutions is conducive to successful legal reform for women's economic empowerment.



Women rights activists who began working for CSOs have opportunities to move into leadership positions in the government or in IGOs where they lead important legal reforms.

## Ten factors for successful reform (cont.)

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

#### Why does it matter?



Reforms on women's economic empowerment touch on so **many aspects of the lives of women**, their **families** and the **community** at large. Therefore, it is necessary to undertake reforms in different areas of the law as well as to involve different types of stakeholders in these reform processes and in their implementation.

#### Promising practices



When pushing for legal reform in favour of women's economic empowerment, **different types of laws** that touch on it should ideally be **reformed in parallel**. E.g., reforming legislation to enhance childcare options for working mothers can also have a positive impact on their children.



Reforming **personal status legislation** has been the most **challenging** but countries have been creative in their reform approaches. E.g., the four countries are promoting shared family responsibilities for women and men through changes to the labour law rather than personal status legislation by introducing and/or extending paternity leave as well as looking into flexible work arrangements.



**Multi-stakeholder efforts** have proven to be successful when **advocating** for legal reform, as well as for the implementation of a particular reform. E.g., in Jordan, the National Committee for Pay Equity (NCPE), a multi-stakeholder committee, put forward a list of proposed labour code amendments, some of which led to legal reform.

#### Promising practices



The four countries are developing the **capacity of actors** involved at the different steps of the process, from advocacy to drafting and adopting legislation, as well as implementation.



Reform or momentum for reform can also have **spill over effects in neighbouring countries**. This is especially evident in the recent reforms on violence against women.



The four countries are participating in **regional and global exchange on legal reform** to get inspiration and expertise on how to make reform happen. At the global level, the **Commission on the Status of Women's annual meetings** are a good example of a platform. At the regional level, the **MENA-OECD Women's Economic Empowerment Forum (WEEF)** offers the opportunity for countries to exchange experiences on legal reform.

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### Building capacity and learning from peers

#### Why does it matter?



A **range of skills** are needed to make legal reform on women's economic empowerment happen and to make sure the reforms are implemented.

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### Addressing restrictive social norms and stereotypes

#### Why does it matter?



Restrictive social norms and stereotypes about women and men are a key factor in **holding back women's economic empowerment**. In some cases, these restrictive norms are also enshrined in the family legislation. The UN Secretary-General's High-Level Panel on Women's Economic Empowerment recognises adverse social norms as the number one constraint to women's economic empowerment.

#### Promising practices



All four countries are developing the **evidence base** on social norms and stereotypes and are implementing projects that aim to transform traditional perceptions of masculinity and fatherhood. Surveys have been carried out in Egypt, Morocco and Jordan looking at the attitudes of men and women towards gender equality.



Legal reform can either **precede** the change in social norms (e.g. the introduction of paternity leave in the labour law in Jordan Morocco and Tunisia to promote shared family responsibilities) or **enshrine changes** in social norms (e.g. abolition of a circular in Tunisia, which now makes it easier for Tunisian women to marry non-Muslims).



If deeply entrenched social norms are to be overcome, society has to be **convinced of the need for such changes**. This can be facilitated by community leaders who advocate for change. E.g., Egypt's highest religious authority, Al-Azhar, has firmly condemned sexual harassment in line with the recent legal reforms.

#### Promising practices



People that are affected by a reform should be **aware of the reform**. The **media and CSOs** have an important role to play in disseminating this information.



Different stakeholders are supporting women to **access justice** and provide support on how to navigate the **judicial system**.



Other mechanisms that can **facilitate compliance** with reforms include reporting, labour inspections, complaint mechanisms and scrutiny by national human rights institutions.

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### Ensuring implementation and awareness

#### Why does it matter?



Without implementation, legal reform has little value. Countries have put into place mechanisms that can **facilitate implementation and compliance** with reforms.

## 6.1. Introduction

The report shows that countries have adopted different approaches to bringing about reforms and ensuring that they are implemented in practice. In some cases, a clear strategy was behind a certain reform effort, while in other cases it was very much a “trial and error” approach. While the four countries have conducted evaluations of their policies and/or initiatives on women’s economic empowerment, a detailed assessment of these evaluations is beyond the scope of this report.

This chapter seeks to identify some of the common factors that contributed to the success of the initiatives related in the case studies, boxes and analysis in this report. The list is non-exhaustive, and not all case studies deployed all of the strategies and mechanisms mentioned below. However, the list does provide some interesting insights for policy makers into what “success factors” they may choose to prioritise to ensure that reforms actually translate into greater gender equality and more opportunities for women. The report shares the following ten success factors for reform:

1. Aligning with international standards and review mechanisms.
2. Building a strong evidence base
3. Sequencing policies towards gradual legal reform
4. Securing political commitment at the highest levels
5. Being tenacious in advocacy and lobbying
6. Fostering women’s participation and leadership
7. Adopting multi-stakeholder and multi-sector approaches
8. Building capacity and learning from peers
9. Addressing restrictive social norms and stereotypes
10. Ensuring implementation and compliance

## 6.2. Aligning with international/regional standards and review mechanisms

A range of international standards backed up by review mechanisms exist for gender equality and women’s rights. Those most relevant for this publication include the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the International Labour Organization’s International Labour Standards, both of which are legally binding (Box 6.1). A number of international non-legally binding instruments and dialogue processes also promote women’s economic empowerment, such as the OECD Recommendations on gender equality, Agenda 2030 for Sustainable Development and the Sustainable Development Goals, as well as the Beijing Declaration and Platform of Action reviewed in the framework of the UN Commission on the Status of Women.

### ***CEDAW and the ILO conventions***

The case studies all confirm the importance – for multiple reasons – of countries’ adherence to the major international standards and instruments:

- These standards provide ambitious benchmarks against which to measure countries’ progress towards gender equality and women’s empowerment.
- Adherence to or ratification of these standards sends an important signal of political will to further women’s economic empowerment and creates momentum for change. Moreover, it carries with it an obligation to implement international standards at the national level, which implies also making the necessary legal reforms to align national legal frameworks with these standards.

- State parties to these standards must report on progress to apply them, which helps build the evidence base on the status of gender equality in the country and puts pressure on governments to perform better. In addition, the bodies reviewing these reports are a source of guidance for state parties on how to make further progress.
- The progress reports are also an important advocacy tool for further reforms; adherence to a standard can facilitate further UN support in implementing this standard.

The case studies indicate that in the four countries, CEDAW ratification in itself has proven to be a very valuable step towards enhanced women's economic empowerment. Women's rights advocates can refer to CEDAW as a universal human rights standard that has been accepted by the country and has to be implemented in the specific country context. This counters arguments about "western-imposed" values and standards. Since CEDAW's provisions are very comprehensive, advocates can refer to CEDAW when pressing for different types of reforms in favour of women's economic empowerment. State Parties' regular CEDAW progress reports are also a means for women's rights advocates to push the government to provide the evidence base on the situation regarding women's economic empowerment, bringing together all types of data and information. NGOs from the different countries have also issued "CEDAW shadow reports", which are progress reports on CEDAW implementation from a civil society perspective. In addition, the interviews conducted for this publication indicated that women's rights advocates from the four countries have used the CEDAW concluding observations to strengthen their campaigns for further legal reform on different areas related to women's economic empowerment. For example, the CEDAW Committee had expressed concern about the high levels of VAW in all publication countries,<sup>1</sup> which has put additional pressure on countries to reform their legislation (Box 4.4 and Case Studies 4.5 and 4.6).

Similarly, the case studies and publication interviews have shown that ratification of ILO conventions is an important step in moving towards reforms in support of women's economic empowerment:

- Ratifying a convention is an important signal of commitment to the specific theme of the convention. For example, Jordan is the only country covered by the publication that has ratified parts of the main ILO Convention on Social Security (No. 102). Jordan has developed coherent national social security policies and has a strong commitment to extending social security to all, which is evident in the recent reforms of its social security law (Case Study 2.3).
- Once a convention is ratified, the countries' obligation to report regularly on implementation helps provide the evidence base on progress and any bottlenecks. The obligation to report also puts pressure on governments to make progress.
- The comments of the Committee of Experts give guidance to a country on how to proceed. In addition, these comments are an important advocacy tool to press for further advancement.
- Once a convention is ratified, ILO country teams can provide important support for implementation, which may imply legal and other reforms in support of women's economic empowerment. For example, the ILO has provided support to Tunisia and Egypt in setting up gender equality structures within employers' organisations to improve gender equality outcomes of collective bargaining processes (Case Studies 2.5 and 2.6).

In addition to the ratification of international conventions, other types of international commitments and mechanisms have also turned out to be crucial in pushing for reforms in support of women's economic empowerment in the four countries. The OECD Recommendations on gender equality as well as Agenda 2030 for Sustainable Development and the Commission on the Status of Women are particularly relevant.

### Box 6.1. Key international standards for gender equality: CEDAW and the ILO Conventions

#### Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)

The four countries have ratified CEDAW,<sup>1</sup> which is considered the main international standard devoted exclusively to women's rights. CEDAW is legally binding, meaning that states should reflect CEDAW guarantees in their national legal frameworks. Countries that have ratified CEDAW have to report regularly on their implementation progress. Countries' progress reports are then reviewed by the Committee on the Elimination of Discrimination Against Women, which issues concluding observations on countries' reports. These observations note steps that the state party has taken in implementing CEDAW and provide guidance on how to make further progress. The observations provide "authoritative guidance" about how CEDAW should be further implemented in individual country contexts and they are also important advocacy tools for gender equality activists to push for further legal reforms and other measures that are needed in their country.

CEDAW has an optional protocol. This protocol calls into life an inquiry procedure and a complaint procedure. The inquiry procedure allows the CEDAW Committee to conduct inquiries into state parties' serious and systemic abuses of women's rights. The complaint procedure allows individuals and groups of women to petition or complain about women's rights violations to the CEDAW Committee. Of the four countries studied for this report, only Morocco and Tunisia have ratified this protocol. However, in practice the inquiry and complaint procedures have never been used for these countries.

#### The ILO's labour conventions

The International Labour Organization's Conventions are legally binding international treaties that may be ratified by member states; their Recommendations are not legally binding, but set out standards to guide action by member states. The four countries have all ratified ILO's international labour standards related to various areas of women's economic empowerment. They have all ratified the Equal Remuneration Convention (C100) and the Discrimination (Employment and Occupation) Convention (C111), which are ILO core conventions. Core conventions cover subjects that are considered to be fundamental principles and rights at work. Other key ILO gender standards include the Workers with Family Responsibilities Convention (C156) and Maternity Protection Convention (C183). C156 has not been ratified by any of the four countries, while Morocco is the only country covered by the publication that has ratified C183.

Countries that have ratified ILO conventions have to report regularly on their implementation progress. Government reports have to be shared with workers' and employers' organisations who can then also provide inputs. The ILO Committee of Experts then examines these reports and provides comments. This committee also issues a yearly report giving an overview of the progress of implementation of international labour standards.

Note: <sup>1</sup>Although Egypt, Jordan and Morocco have issued reservations to some articles of CEDAW. Years of CEDAW ratification: Egypt 1981, Jordan 1992, Morocco 1993, Tunisia 1985.

Source: Optional Protocol to CEDAW (2015<sup>[1]</sup>), "Inquiry into access to contraception in Manila: CEDAW Committee finds that the Philippines violated CEDAW", <https://opcedaw.wordpress.com>; ILO (2020<sup>[2]</sup>), *Conventions and Recommendations*, <https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>



## ***OECD recommendations on gender equality***

The OECD has two legal instruments on gender equality: the OECD Recommendation on Gender in Public Life (2015) and the OECD Recommendation on Gender Equality in Education, Employment and Entrepreneurship (2013).

The latter recommends adopting practices that promote gender equality in education; promoting family-friendly policies and working conditions which enable fathers and mothers to balance their working hours and their family responsibilities and enable women to participate more in private and public sector employment. It also recommends increasing the representation of women in decision-making positions, eliminating the gender wage gap, promoting all appropriate measures to end sexual harassment in the workplace, reducing the gender gap in entrepreneurship activity, and paying attention to the special needs of migrant women and women from disadvantaged minority groups.

While the recommendations are not legally binding on the adherents, they have great moral force. This means that there is an expectation that adherents will strive to implement them fully. Adherents present regular implementation progress reports to the OECD Council.

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

## ***Agenda 2030 for Sustainable Development***

Agenda 2030 for Sustainable Development, including the Sustainable Development Goals (SDGs), was adopted in 2015 and provides a framework for countries to end all forms of poverty, fight inequalities and tackle climate change, while ensuring that no one is left behind (UN, 2015<sup>[3]</sup>). The SDGs have set the bar on gender equality and women's empowerment very high, with SDG5 striving towards achievement of "full gender equality and empowering all women and girls". Gender equality is also mainstreamed throughout Agenda 2030 and is considered a prerequisite for achieving Agenda 2030. While the SDGs are not legally binding, countries are expected to take ownership in achieving the SDGs. Egypt, Jordan, Morocco and Tunisia have also submitted Voluntary National Reviews (VNRs).<sup>2</sup> While the VNRs of the four countries contain only limited information on gender equality and women's empowerment, they are still a useful tool to track national progress on SDG implementation.

The case studies and interviews carried out for the publication indicate that SDG development processes as well as the SDGs themselves have been important leverage for bringing more attention to the women's economic empowerment agenda. For example, in Tunisia, SDG 5.2 focusing on the elimination of all forms of violence against women and girls provided the momentum to keep working on the comprehensive draft law on violence against women and girls (Case Study 4.4).

## ***The Commission on the Status of Women and the Beijing Declaration***

The Commission on the Status of Women (CSW) is the main global intergovernmental body exclusively dedicated to gender equality and women's empowerment. It is a commission of the United Nations Economic and Social Council (ECOSOC). CSW provides an important platform for promoting women's rights and following up on SDG commitments on gender equality and women's empowerment. CSW also leads the follow-up on the implementation of the Beijing Declaration and Platform for Action, which will mark its 25<sup>th</sup> anniversary in 2020.<sup>3</sup> The four countries covered by the publication have already submitted their Beijing +25 progress reports (UN Women, 2019<sup>[4]</sup>).

The CSW annual two-week sessions bring together different types of stakeholders to discuss a thematic that changes every year. In recent years, CSW themes have focused on different aspects of women's



economic empowerment, such as women's economic empowerment in the changing world of work (CSW61); gender equality and the empowerment of rural women and girls (CSW62); and social protection systems, access to public services and sustainable infrastructure for gender equality and the empowerment of women and girls (CSW63). The four countries have been actively participating in CSW by organising different side-events. In 2019, OECD organised a side-event at the 63<sup>rd</sup> session of CSW on "Changing laws, changing minds. Women's economic empowerment in MENA" together with SIDA, UN Women, Oxfam Jordan, CAWTAR and the Tunisian Ministry of Woman, Family, Childhood and Seniors as part of the work surrounding this publication.<sup>4</sup>

The four countries' participation in CSW has been relevant for reforms in a variety of ways. CSW provides a unique platform for dialogue among different types of actors, including civil society, which is not always possible in some countries' settings. CSW also gives visibility to countries' reforms at the international level and shows political commitment from the participating countries towards making certain reforms. For example, the four countries organised side-events at the CSW62 on "Empowering rural women and girls". This may have influenced the increased focus in MENA on this area (see the section on rural women in Chapter 3).

### ***Regional standards: from the Maputo Protocol to the Cairo Declaration***

In addition to international standards and review mechanisms, there are also regional standards for women's rights. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, more commonly known as the Maputo Protocol, is a legal instrument focusing on African women's rights.<sup>5</sup> The protocol is very progressive in its approach and obliges ratifying states to implement its guarantees. So far, Tunisia is the only country covered by this publication that has ratified the protocol.

The Cairo Declaration for the Advancement of Women and the Arab Strategy for Women Development 2030, adopted by the League of Arab States (LAS), also provide important guarantees on women's economic empowerment. These documents are not legally binding, but the LAS has to report regularly on implementation progress. Review and discussion processes regularly take place regionally, led mostly by the United Nations Economic and Social Commission for Western Asia (ESCWA) and/or the LAS.

## **6.3. Building the evidence base**

The countries covered by this report have been undergoing constant political, economic and social change in the aftermath of the Arab Spring. The situation of women in these countries has also undergone profound change over the past decade. Legal reform can be used either to reflect changes in society (*ex post*) or can be a tool to achieve aspired changes in society (*ex ante*). In both cases, it is important to document the current situation in society that calls for legal reform. This can be done by collecting both quantitative and qualitative data.

The many case studies from the four countries indicate that building the evidence base is crucial in advocating for and securing legal, policy and institutional reform. For example, reports by CSOs and international organisations documenting the difficult situation of domestic workers in Morocco were an important starting point for advocating for a domestic workers law that was eventually adopted (Case Study 3.1). In the four countries, studies on women in the media provided the evidence base for reforms and/or initiatives in support of more gender balance in the media sector (Section 5.3 in Chapter 5 and Case Study 5.2). While the four countries have conducted evaluations of their policies and/or initiatives on women's economic empowerment, a detailed assessment of these evaluations is beyond the scope of this report.

Countries have invested heavily in collecting, analysing and disseminating different types of data on the situation of women. Countries have also improved their data systems and are increasingly collecting new types of data and involving a wider variety of actors in the collection and analysis of this data. The obligation

for countries to measure progress against the SDGs has provided a strong impetus for improving data collection and analysis on gender equality and women's empowerment. The data are being collected by a range of stakeholders, including government (NSOs), international organisations, academia, CSOs (national and international) as well as the private sector.

Driven by demands by civil society and international partners, governments in the MENA region have, in recent years, implemented a broad range of initiatives to mainstream gender data collection on gender equality. For example:

- The Tunisian National Statistics Council Act obliges all statistical bodies to disaggregate data by sex.
- Egypt, Jordan and Morocco have started to produce reports on gender statistics related to socio-economic matters.
- The national statistical offices (NSOs) in the four countries produce a range of sex-disaggregated labour and employment statistics that are supplied to and available from ILOSTAT for international comparison.

The case studies show that countries have also started collecting new types of data to build the case for legal reform in support of women's economic empowerment. A model for costing marital violence in the MENA region (UN Women/ESCWA, 2017<sup>[5]</sup>) as well as methodologies for calculating the economic cost of gender inequalities more broadly (OECD, 2019<sup>[6]</sup>) have been developed. Putting numbers on how much the economy could gain from empowering women is a very powerful advocacy tool for reform (Box 4.3 in Chapter 4). Recently, surveys have been carried out in Egypt, Morocco (UN Women/Promundo, 2017<sup>[7]</sup>) and Jordan (World Bank, 2018<sup>[8]</sup>) into the attitudes of men and women towards gender equality. It is the first time that this type of data has been collected in these countries, giving important insights into the way in which social norms and attitudes continue to hold back women's economic empowerment. Over the past decade, Egypt, Tunisia and Morocco have also built up the evidence base on how women are portrayed in the media (Chapter 5 and Case Study 5.2). Interviews carried out for this report indicated that making this type of data available helps in making sensitive topics discussable and breaking taboos around violence against women.

Improving gender data in MENA countries is also an important priority for the MENA-OECD Women's Economic Empowerment Forum. OECD research in Egypt, Morocco and Tunisia, conducted in the framework of the MENA-OECD Women's Economic Empowerment Forum (WEEF; Box 6.4), indicates that despite this progress, there are still gaps in the data needed for measuring SDG indicators related to women's economic empowerment; data are available for only half of the selected SDG indicators.<sup>6</sup> For example, statistics on informal employment are lacking, sex-disaggregated data on the average number of hours spent on paid and unpaid domestic work are limited and sporadic, and the sex-disaggregated shares of those employed part-time are not reported in all countries. The NSOs' production of gender statistics in the area of business ownership and the percentage of firms, by size, owned by women is weak.

While governments are collecting standard data on a regular basis, there is a need to collect additional gender data more regularly through additional surveys that can be compared across countries and over time. International organisations, including the World Bank and the OECD, are supporting countries in these data collection and analysis efforts. They are also providing data and analysis that is invaluable for these countries' evidence base (Box 6.2 and Box 6.3). CSOs play a unique role in collecting data at the local level and complementing official government data. The private sector is also increasingly sharing gender data. Options to capitalise on private sector data should be further explored by governments. For example, governments could use some of the data produced by enterprises on the number of female and male employees in a particular enterprise.

Interviews for this publication made it clear that disseminating this evidence base is crucial. Incorrect information has sometimes deliberately been publicised in order to negatively influence public opinion on

the need for further reforms on gender equality. It has been reported that when parliamentary discussions on legal reforms take place, a strong evidence base can help influence the discussions in order to lobby parliamentarians to vote in favour of a reform. For example, the Jordanian civil society organisation SADAQA worked on building the evidence base for amendments to enhance childcare options in the labour code. These proposals became law through the 2019 labour law amendments (Case Study 2.4).

### Box 6.2. International initiatives for tracking reform and measuring discrimination

The World Bank Women, Business and the Law dataset tracks legal gender gaps and reform in 190 countries including Egypt, Jordan, Morocco and Tunisia. It contains comparable data to understand the legal barriers women face in getting jobs and becoming entrepreneurs. There are also historical data on legal reforms looking back 50 years.

The OECD's Social Institutions and Gender Index (SIGI) measures gender-based discrimination by providing a clearer vision of how social institutions shape women's lives. The SIGI looks at the gaps that legislation, social norms and practices create between women and men in terms of rights and opportunities. This innovative tool enables policy makers and development practitioners to understand the barriers to gender equality better and to identify the drivers behind persistent forms of discrimination. First launched in 2009, and subsequently in 2012, 2014 and 2019, the SIGI has served as the basis for a series of reports analysing the level of discrimination in social institutions and the progress on gender equality.

Source: World Bank Group (2020<sup>[9]</sup>), *Women, Business and the Law*, <https://wbl.worldbank.org>; OECD (2019<sup>[6]</sup>), *SIGI 2019 Global Report: Transforming Challenges into Opportunities, Social Institutions and Gender Index*, <https://doi.org/10.1787/bc56d212-en>.

## 6.4. Sequencing policies towards gradual legal reform

Legal reform is a slow and gradual process. It is not an isolated process, but takes place in the framework of the countries' overall policy priorities on gender equality. A gender equality perspective should also be embedded into countries' overall economic strategies.

Policy efforts on women's economic empowerment come in many forms. First, countries have specific gender strategies. Egypt, Jordan and Morocco have a national gender strategy. The National Strategy for the Empowerment of Egyptian Women 2030; Jordan's National Women Strategy 2020-2025 (under development); and Morocco's Government Plan for Equality (PGE II) give overall guidance on the challenges and next steps in securing enhanced gender equality and women's empowerment in the country. Tunisia does not have an overall gender strategy. Countries also have empowerment strategies for specific groups of women, such as Tunisia's strategy and action plan on rural women.

In some cases, having a policy in place first provided the leverage required for pressing for legal reform. The implementation of the policy can provide the needed evidence and argument for further legal reform. In some instances, the policy itself recommends a specific legal reform explicitly. For example, the National Strategy for the Empowerment of Egyptian Women 2030 (Box 4.1, Chapter 4) was used as leverage to negotiate the revision of Egypt's inheritance law (Case Study 4.2). In other instances, the legislation and policy complement one another. For example, Jordan's National Framework for Family Protection against Violence (2016) and Egypt's Strategy on VAW (2015) exist in parallel to the two countries' legal frameworks on VAW (Case Studies 4.5 and 4.6). Sometimes, a certain type of legal framework is in place before a more binding framework is issued. For example, in Morocco circulars were issued recommending equal access for Soufalyate women and men in certain communities. Later on, this guarantee was enshrined in a law that now applies to the whole country (Case Study 3.3).

Another approach is to take advantage of a policy reform in a certain area in order to mainstream gender concerns. For example, in Morocco overall land reforms provided an opportunity to also address gender inequality issues in access to collective land (Case Study 3.3). In Jordan, the reform of the overall social protection system led to reforms benefiting women in particular (Case Study 2.3). Overall strategies for refugees in Jordan came to include a gender component (Case Study 3.4).

## 6.5. Securing political commitment at the highest levels

In order to make reform happen, political commitment at the highest level is necessary. Government leaders or heads of state can either create political momentum for a reform or can capitalise on existing momentum to express their support for a certain reform on women's economic empowerment. The countries covered by the publication have different political systems in place. Morocco and Jordan are constitutional monarchies, in which the King as head of state enjoys large political prerogatives; both countries' Kings have strongly supported women's empowerment. Tunisia's historically strong commitment for women's rights – exemplified at the moment of independence by the pioneering initiatives of the late President Bourguiba – has been a permanent national feature fully recognised and promoted by today's vibrant Tunisian democracy. The strong presidential system defined by the Egyptian Constitution has also allowed for crucial top-down initiatives for gender equality and women's empowerment. The case studies demonstrate how the heads of state of the four countries have played a crucial role in pushing forward legal reforms for women's economic empowerment. Often, this type of “state feminism” has been a very important factor in making reform happen, particularly in contexts where religious authorities and religious inspired political movements were not necessarily aligned in this direction.

For example, in Jordan, King Abdullah II bin Al-Hussein supported the recent labour law reforms in favour of women's economic empowerment, including on flexible work arrangements (Box 2.2). It was under the leadership of the late Tunisian President Beji Caid Essebsi that the Committee for Individual Freedoms and Equality (COLIBE) report was commissioned and the late President supported the Committee's recommendation on equality in inheritance (Case Study 4.1). The Egyptian President Abdel Fattah El Sisi proclaimed 2017 as Year of the Egyptian Women, during which the National Strategy for the Empowerment of Egyptian Women 2030 was issued (Box 4.1). President El Sisi also supported the legal reform to protect women's inheritance rights (Case Study 4.2). Morocco's King Mohammed VI supported the legal reforms on equal access to land for Soualilyate women (Case Study 3.3). High-level support was also needed for the recent reforms on violence against women that have taken place in the four countries (Chapter 4).

Heads of state have the power to make certain legal reforms happen without going through the parliament. For example, the late Tunisian President Caid Essebsi requested the government to cancel a circular and any other similar legal texts that prohibited a Tunisian woman from marrying a non-Muslim (Box 4.2). Support from other types of high-level personalities for the implementation of legal reforms in favour of women's economic empowerment also have good results. In Egypt, statements from Al-Azhar (its highest religious authority) and Dar Al-Ifta (Islamic research institute) against harassment and female genital mutilation were taken into account by society (Case Studies 4.4 to 4.7).

All four countries have ministries and/or semi-government structures (structures that are part of the government but also have some autonomy) that are responsible for enhancing gender equality and women's empowerment (Table 6.1). In most cases, these bodies are not very powerful within the government and do not have large budgets. Therefore, support from higher political levels is particularly important.

Tunisia and Morocco have ministries in place that are in charge of women's affairs. The Tunisian Ministry of Women, the Family, Childhood and Seniors as well as the Moroccan Ministry of Solidarity, Social Development, Equality and the Family work on women's economic empowerment in addition to other social issues. Egypt and Jordan have a dual structure. On the one hand, there are ministries with a social

mandate, also covering women's affairs. On the other hand, there are semi-government institutions working only on gender equality and women's empowerment. Egypt has both a Ministry of Social Solidarity as well as a Ministry for Family and Population. In Jordan, the Ministry of Social Development also covers issues related to women's economic empowerment. In addition to these ministries, the Egyptian National Council of Women (NCW) and the Jordanian National Commission for Women (JNCW) outline the countries' reform priorities and head the country's gender equality and women's empowerment agenda. The National Council for Women in Egypt was established by presidential decree in 2000, and is composed of 30 members drawn from government, academia, and civil society. The membership of the council reflects its close relationship with the state: its first head was Suzanne Mubarak, wife of then-President Hosni Mubarak. Likewise, in Jordan the National Commission for Women, initiated and headed by HRH Princess Basma Bint Talal, is a semi-government organisation which advocates for and promotes gender equality and women's empowerment. It was established by a cabinet decision in 1992 and has since gained recognition as the authority on women's affairs in Jordan's public sector while it also represents the Kingdom at regional and international levels in matters pertaining to women.

**Table 6.1. The institutional set up for gender equality and women's empowerment**

	National women's machinery	Ministry for women's affairs	Other ministries with social mandate
<b>Egypt</b>	Egyptian National Council of Women (NCW)		Ministry of Social Solidarity Ministry for Family and Population
<b>Jordan</b>	Jordanian National Commission for Women (JNCW)		Ministry of Social Development
<b>Morocco</b>		Ministry of Solidarity, Social Development, Equality and the Family	
<b>Tunisia</b>		Ministry of Women, the Family, Childhood and Seniors	Ministry of Social Affairs

## 6.6. Being tenacious in advocacy and lobbying

Almost all the case studies indicate that advocacy<sup>7</sup> and lobbying<sup>8</sup> have been essential for achieving legal reform in favour of women's economic empowerment. In some cases, these efforts needed to be sustained over decades in order to achieve results.

As illustrated by the case studies, a variety of advocacy and lobbying activities have taken place to press for certain reforms throughout the legislative cycle. They include building the evidence base for a certain reform, then using this information to campaign for change. Once a draft law is in the pipeline, parliamentarians can be lobbied to vote in favour of this reform. When the law is approved, advocacy for its implementation may be needed (Chapter 5).

Advocacy and lobbying have to deliver the right messages to different audiences, meaning that the arguments and evidence for reform have to be re-packaged accordingly. CSOs in the four countries have used a range of advocacy and lobbying approaches and techniques. For example, Tunisia's annual National Women's Day is an important opportunity since the President always delivers a speech discussing or announcing reforms in favour of gender equality and women's empowerment. Recently, Tunisia has also created a Rural Women's Week (Case Study 3.2). Throughout the region, social media campaigns in follow up to the #MeToo movement have influenced the recent reforms on violence against women. The region is also investing increasingly in putting forward male champions of gender equality who can advocate for further reforms. Stakeholders interviewed for this publication mentioned that the SDGs have provided important momentum for women's activists to push forward certain reforms. More traditional approaches, such as pressure from UN treaty bodies as well as Human Rights Watch calls to reform national legislation, have also worked well.



The best advocacy and lobbying results have been achieved when different types of actors have worked together to put pressure on governments. Often, the movement starts at the national level with civil society organisations taking the lead and then expands with support from international organisations such as UN agencies, Human Rights Watch or other types of development partners. For example, in Tunisia, a coalition of national CSOs was set up to advocate for a comprehensive law on VAW. In parallel, an Advocacy Committee consisting of international organisations was active to make sure that this law was in line with international standards on the topic (Case Study 4.4). In Jordan, a collective bargaining agreement and regulations for private school teachers were secured as a result of a campaign led by the Ministry of Labour, the Jordanian National Commission for Women, the Jordan's Teachers syndicate, the Social Security Corporation and CSOs, and supported by the National Coalition for Pay Equity and the ILO (Case Study 2.7). In Jordan, women's rights activists have been campaigning for equal rights for children of Jordanian women married to non-Jordanians. They gained the support of the international community, which led to an amendment of the Labour Law which no longer requires non-citizen children of Jordanian women to obtain a work permit (Case Study 4.3).

In some cases, advocacy begins at the grassroots but evolves into a national effort. For example, in Morocco, Soulaliyate women started a movement to raise awareness on the need for equal land access amongst other communities. The movement consolidated to the point where they received the support of the King, ultimately leading to legal reform that guaranteed equal land access for Soulaliyate women and men (Case Study 3.3). In Jordan, working parents formed the NGO SADAQA to advocate for better childcare options for working parents. The movement resulted in a wider coalition of different actors pushing for labour law amendments in favour of women's economic empowerment (Case Study 2.4). These advocacy and lobbying processes also provide the opportunity to build the capacity and confidence of national activists further.

## 6.7. Fostering women's participation and leadership

The case studies have indicated that having more women in leadership positions in different types of institutions is another important factor in successful legal reform for women's economic empowerment. More women in parliament and high-level government positions can help in setting priorities for reform and making reform happen. More women in the judiciary can support the implementation of these reforms. Women's political participation in the MENA region, including the barriers and the opportunities, are well documented in a series of publications in the framework of the MENA-OECD Governance Programme.<sup>9</sup>

The case studies also show that successful gender initiatives in the private sector are often initiated and championed by women leaders. Better gender balance in workers' and employers' organisations can lead to more gender-sensitive labour legislation. It is also important to give more visibility to women leaders in order to influence public opinion in favour of women's economic empowerment. More women in the media, including as role models on social media, increases their visibility and amplifies their voices (Section 5.3, Chapter 5).<sup>10</sup>

- **Women in parliament.** The literature shows that support from female parliamentarians is important in influencing the passing of gender equality legislation (Palmieri, 2011<sup>[10]</sup>). Women parliamentarians are often more sensitive to gender-related issues than their male counterparts. It is therefore important to have an adequate representation of women in the parliament. In Morocco, the GTPPE successfully lobbied for the integration of gender in the internal regulation of parliament. The regulation now mentions that at least one-third of the members of decision-making organs of the chamber of representatives should be women (Case Study 5.1).
- **Women in government.** When women hold high-level positions in the government, both at national and local levels, they are more likely than men to push for gender equality legislation. While women's participation in MENA governments has been increasing over time, it is still low.

Female ministers in the four countries typically hold posts related to social and women's affairs. However, more recently women have started occupying key ministerial posts in the government. This can lead to the inclusion of a gender equality aspect in legislation that is usually gender-blind. Including gender units within different ministries with an economic/employment mandate can also be a good way of promoting women's economic empowerment. The Egyptian Ministry of Manpower (MoM) has established a Gender and Non-discrimination Unit (Case Study 2.6) and the Jordanian Ministry of Labour has established a Directorate for Women's Work to address gender issues and contribute to policies promoting women's inclusion in the labour market. It is also important to include more women in local government authorities. In this way, they can play a key role in implementing legislation in favour of women's economic empowerment, as well as pressing for further reforms. Although women in the four countries are traditionally not included in local leadership, this has also been evolving recently. Case Study 3.3 on Soulaliyate women in Morocco shows that if more women become part of local authorities, this can positively influence the situation of many women in remote areas of the country.

- **Women in the judiciary.** According to interviews carried out for this report, having more women present in the judiciary can lead to more landmark cases that open the way to women's economic empowerment. Women judges are usually more aware of gender-specific aspects and consequences of a decision.
- **Women in the private sector.** It is mostly under female leadership that private sector initiatives in support of women's economic empowerment have been initiated in the region. For example, the Charter for Gender Diversity of the World Union of Arab Banks (Box 2.3) and the gender sensitive approaches of Jordan's Bank El Etihad were both started by women leaders of these institutions (Case Study 2.8).
- **Women in workers' and employers' organisations.** Setting up women's committees within these organisations can help women to make their voices heard and encourage more women to join the organisation. More women in workers' and employers' organisations can lead to more gender-sensitive collective bargaining agreements. The main workers' organisation in Tunisia (UGTT) has introduced a quota of two women in each of their decision-making bodies and Tunisia's main employers' organisation (UTICA) has set up a National Chamber of Women Entrepreneurs (CNFCE) as part of its structure (Case Study 2.5). Egypt's 2017 Trade Union Law stipulates that the formation of boards of trade union organisations should ensure adequate representation of women and youth, whenever possible. The Federation of Egyptian Industries (FEI) has recently established a Women in Business Unit (Case Study 2.6).
- **Women in the media.** Allowing the types of women leaders listed above to gain visibility in the media can create a more diverse picture of leadership and turn them into role models. Debates in the media that take into account the perspectives of female experts in their field can influence public opinion on the need for gender-sensitive reforms. The case studies reveal that the four countries have invested in increasing gender diversity in the media (Chapter 5 and Case Study 5.2).

How do women arrive at these positions of leadership? There are numerous examples in this publication of women who started their careers as women's rights activists working for CSOs and have then moved into leadership positions in the government or in international organisations where they managed to lead important legal reforms. In addition, measures that ensure equality at work can all help women's career progression and chances of reaching leadership positions in their chosen careers. These include flexwork, better childcare, enhanced parental leave, quotas for women on boards in the private sector, and support measures for women entrepreneurs (Chapter 2).



## 6.8. Adopting multi-stakeholder and multi-sector approaches

Reforms on women's economic empowerment touch on so many aspects of the lives of women, their families and the community at large that it is often complex to make these reforms happen. The case studies demonstrate that it is necessary to undertake reforms in different areas of the law as well as to involve different types of stakeholders in these reform processes, as well as in their implementation.

Women's economic empowerment is covered by many types of legislation, both at the international and the national level. Some of these types of national laws mentioned in this report include labour law, social protection law, penal law, family law and a range of specific laws (e.g. inheritance laws). Labour law covers women's participation in the labour market and social protection law ensures that women with family responsibilities have equal opportunities in the labour market. The penal code as well as specific legislation exist to address violence against women and girls. The family law is crosscutting in the sense that it influences all aspects of family life of women that in turn has an impact on women's participation in the labour force.

When pushing for legal reform in favour of women's economic empowerment, different types of laws that touch on it should ideally be reformed in parallel. The case studies show that reforming legislation in favour of women's economic empowerment also has an influence on families more broadly. Therefore, these reforms cannot be seen in isolation but should be linked to the situation of families overall. For example, reforming legislation to enhance childcare options for working mothers can also have a positive impact on their children. Another interesting example is the Jordan national framework for the protection of the family from domestic violence, which not only addresses violence against women, but also encompasses violence against children and the elderly (Case Study 4.5).

In reality, it is very challenging to review different types of legislation at the same time since it involves different types of stakeholders and needs much political momentum. Reforming family law has been particularly challenging. The consultations and interviews undertaken for this report indicate that almost no legal reforms in family law have taken place in the four countries since the revision of the constitutions following the Arab Spring. Family law in Egypt and Jordan still obliges wives to obey their husbands. This means that the law allows husbands full control over their wives, including their participation in the labour market. Men are still seen as financially responsible for their families, so that women's labour rights are perceived as secondary to men's participation in the labour force. However, the case studies show that countries have been creative in promoting shared family responsibilities for women and men through making changes to other types of legislation rather than the family law. For example, countries are introducing or extending paternity leave in the labour law (Box 2.6) as well as looking into flexible work arrangements (Case Study 2.1).

The case studies indicate that it is not only important to reform different areas of the law but also that it is necessary to involve different stakeholders in these reforms. Multi-stakeholder efforts have proven to be successful when advocating for legal reform, as well as for the implementation of a particular reform. For example, the recent labour law reforms in Jordan and the comprehensive law on VAW in Tunisia were mostly a result of joint advocacy efforts by different types of stakeholders. In Jordan, the National Committee for Pay Equity (NCPE) put forward a list of proposed labour code amendments. Some of these proposals led to legal reform (Box 6.3). NCPE is a multi-stakeholder committee, co-chaired by the Jordanian National Commission for Women and the Ministry of Labour. It includes representatives from trade unions, professional associations, civil society, government bodies, the Chamber of Commerce, the Chamber of Industry, other private sector representatives and the media (Case Study 2.3). In Tunisia, joint efforts from international organisations and CSOs led to a comprehensive law on VAW (Case Study 4.4). The case studies show that the private sector – from banks to agribusiness – is increasingly taking gender equality initiatives to encourage women's participation in the labour force. This approach offers much potential for creating broader economic benefits. In Egypt, different private sector initiatives have been

undertaken to support rural women (Box 3.5). Case Studies 2.8 and 2.9 show how the banking sectors in Egypt and Jordan have been actively supporting women entrepreneurs.

### Box 6.3. In-depth: multi-stakeholder advocacy in reforming Jordan's labour law

Jordan's labour law No. 8 of 1996 is the main legislative framework that governs labour issues in Jordan. While the law does include some provisions on women in the labour force, the law does not include a specific provision on prohibition of discrimination against women.

In order to address remaining gender inequalities in the labour law, the Jordan National Committee for Pay Equity (NCPE) put forward a list of proposed labour code amendments in favour of women's economic empowerment. In 2012, some of these proposed amendments were approved by the Labour and Social Development and Population Parliamentary Committee. However, the Labour Code never went to vote in Parliament and was shelved until 2018 when it was opened again for discussion.

In 2018, Coalition Rights was established, which included women's labour rights groups, women organisations, unions and labour entities. Coalition Rights aimed at further lobbying parliamentarians and government to accept amendments to the Labour Code articles that were open for discussion and were directly related to women's economic rights, most of which were included in NCPE's original proposed labour law reforms.

Against this backdrop came the amendments to Jordan's Labour Law through Law No. 14 of 2019 with a few important reforms in support of women's economic empowerment.

There are several factors that are contributing to the advancement of these reform processes in Jordan. In Jordan, a unique collaboration exists to push gender equality in the labour market between the Royal Court, certain personalities in the government, JNCW, civil society, social partners, private sector representatives and the media. Many of these efforts are co-ordinated by the NCPE. The NCPE has proven its worth by navigating the complex legislative reform processes in the country and finding creative ways of pushing for labour law reform by also including civil society in parliamentary discussions.

These national efforts are being supported by a range of international organisations, with ILO taking a leading role on issues related to gender equality in the labour market. The wider international community, such as the CEDAW committee, the ILO committee of experts and Human Rights Watch have been pressuring the country to take urgent action. To push for reform, these actors have invested significantly in building the evidence base for enhanced women's participation in the labour market and have issued studies on a range of specific topics so that the arguments for certain reforms are thoroughly underpinned. Once the evidence base is there, campaigns have been undertaken, again with a unique mix of actors involved. In parallel, international organisations have built the capacity of different national stakeholders on advocacy and strategies for reform.

Joint initiatives also lead to good results in the implementation of legal reforms. For example, in Tunisia different UN agencies, the government and CSOs are working together to implement the recent reforms on VAW and to provide services to women victims of violence (Case Study 4.4). Since UN agencies have specific mandates, UN joint efforts that address women's economic empowerment from different angles through UN Joint Programmes have an added value. For example, in Tunisia a 2017-2018 UN Joint Programme (led by the United Nations Population Fund) was signed on care for women victims of violence (Case Study 4.4). UN Women and WFP are joining forces in Egypt on a programme that uses of blockchain for cash transfer programmes in support of women refugees (Box 3.7). As mentioned in Chapter 2, the private sector in the four countries also complements government efforts in the implementation of legal reform. For example, the recent Egyptian law that organises microcredit opened the possibility for

commercial institutions to operate in microfinance which led to a large increase in microfinance clients, mostly women (Case Study 2.9). The corporate governance codes of Jordan and Morocco mention gender diversity on boards and Egypt's and Tunisia's codes of corporate governance include broad diversity provisions. Case Study 2.2 gives further suggestions on how companies can scale up gender balance in corporate leadership. Egypt foresees that the inclusion of a gender equality perspective in its investment law will lead to more gender-responsive investments by domestic and foreign investors and will facilitate investments by women entrepreneurs (Case Study 2.10).

## 6.9. Building capacity and learning from peers

A range of skills are needed to make legal reform on women's economic empowerment happen and to make sure the reforms are implemented.

### **Capacity building**

The case studies show that capacity building is needed for the actors involved at the different steps of the process, from advocacy to drafting and adopting legislation, as well as implementation. Peer learning between countries can be a useful mechanism for exchanging experiences on how to make legal reform happen.

While some CSOs have extensive experience in advocacy, sometimes a movement for reform starts at the grassroots level with women demanding changes in their everyday lives. Such women may not be used to participating in policy forums and advocacy efforts. For example, in Jordan, the "Stand up with teachers" campaign started as a grassroots movement and evolved into a collective bargaining process leading to a collective bargaining agreement regulating working conditions for all private school teachers and eventually to additional guarantees on pay equity in the labour law. ILO has built the capacities of the various actors involved in the collective bargaining process (Case Study 2.7).

As we saw in Chapter 5, skills are also needed to draft gender equality legislation that is in line with international standards. Those involved can draw on guidance in how to draft gender equality legislation. For example, the UN Women's *Handbook for Legislation on Violence against Women* offers guidance, models and checklists for drafting legislation on violence against women (Box 4.4, Chapter 4). In Tunisia stakeholders used this handbook to draft the comprehensive law on VAW and also received guidance from international organisations on bringing the law in line with international standards on VAW (Case Study 4.4).

When a draft law is discussed in parliament, parliamentarians need the right skills to assess the law from a gender perspective. For example, the Moroccan Thematic Group of Parliamentarians for Parity and Equality was trained by UN Women in the different areas of its mandate (Case Study 5.1).

There are also many examples of the need for training of people that are involved in the implementation of legal reforms. For example, Tunisia's National School of Administration (ENA) which trains civil servants has developed a gender module so that future policy makers can be trained on gender issues. The University of Carthage's Faculty of legal, political and social sciences based in Tunis runs a legal clinic that gives future legal professionals skills in gender-based violence and how to address VAW cases (Chapter 4). The Federation of Egyptian Industries has launched the Human Resources and Gender Academy which trains Egyptian human resources professionals in gender equality, labour law and human resources (Case Study 2.6).

## Peer learning

Countries can learn a lot from each other on legal reform for women's economic empowerment. Regional and global exchange on legal reform are useful ways of getting inspiration and expertise on how to make reform happen. At the global level, the Commission on the Status of Women annual meetings are a good example of a platform for exchange. At the regional level, the MENA-OECD Women's Economic Empowerment Forum (WEEF) offers the opportunity for countries to exchange experiences on legal reform. The OECD publication *Women's Economic Empowerment in Selected MENA Countries: The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia* (OECD, 2017<sup>[11]</sup>) was launched at the 2017 WEEF, where countries expressed interest in doing follow-up research, resulting in this present report (Box 6.4).

Reform or momentum for reform can also have spill over effects in neighbouring countries. This is especially evident in the recent reforms on VAW, in that the four countries started reforming their legal framework on VAW around the same time. The Tunisian Committee for Individual Freedoms and Equality (COLIBE), which proposed equal inheritance for women and men, also sparked major debate in countries around the region on inheritance, as well as on gender equality more broadly (Case Study 4.2).

### Box 6.4. Peer learning through the Women's Economic Empowerment Forum

The MENA-OECD Women's Economic Empowerment Forum (WEEF) was launched in 2017 in Cairo under the co-Chairmanship of Dr Sahar Nasr, at the time Minister of Investment and International Co-operation of Egypt and H.E. Marie-Clarie Swärd Capra, Ambassador of Sweden to Algeria. The WEEF is a multi-stakeholder platform that meets on an annual basis to discuss topics related to women's economic empowerment, with a strong focus on legal reform and implementation. Other topics discussed in the WEEF include women's entrepreneurship, gender data and gender mainstreaming. The WEEF has been recognised by stakeholders in the region as a unique platform that steers an open dialogue on women's economic empowerment and provides opportunities for peer learning between MENA economies and OECD countries.

Source: <https://www.oecd.org/mena/competitiveness/women-empowerment.htm>.

## 6.10. Addressing restrictive social norms and stereotypes

As we have seen throughout this report, restrictive social norms and stereotypes about women and men are a key factor in holding back women's economic empowerment. The UN Secretary-General's High-Level Panel on Women's Economic Empowerment recognises adverse social norms as the number one constraint to women's economic empowerment, which also contributes to the other three main constraints: discriminatory laws, unpaid care work and limited access to assets (UNHLP, 2016<sup>[12]</sup>).

All four countries are building the evidence base of what it means to be a man or a woman in today's society and the types of restrictive social norms and stereotypes that exist. This can be an important step towards legal reform. In a number of countries covered by the publication, some of these norms and stereotypes are enshrined in family law. For example, in Egypt and Jordan family law foresees the wife's duty to obey in exchange for financial maintenance by the husband.

In order to develop the evidence base on social norms and stereotypes in the countries covered by the publication, surveys have been carried out in Egypt, Morocco (UN Women/Promundo, 2017<sup>[7]</sup>) and Jordan (World Bank, 2018<sup>[8]</sup>) looking at the attitudes of men and women towards gender equality. It is the first time

that this type of data has been collected in these countries, giving important insights in where social norms and attitudes continue to hold back women's economic empowerment (see Chapter 1).

Addressing discriminatory social norms and stereotypes is challenging since action has to be taken at different levels. Changes have to occur at the level of the individual, the family, the community, organisations and public policy. The case studies show that countries are taking initiatives to address social norms. In Egypt and Morocco concrete projects are being implemented that aim to transform traditional perceptions of masculinity and fatherhood based on the findings and recommendations of the IMAGES survey (Annex Box 1.C.1, Chapter 1). Egypt, Morocco and Tunisia have also prohibited gender stereotyping in the media and are undertaking initiatives to portray a more diverse picture of women in the media (Chapter 5). In the Za'atari refugee camp in Jordan, Syrian refugee women are now engaged in income generating activities which are challenging restrictive social norms on women's economic empowerment (Case Study 3.4).

Legal reform can either precede the change in social norms or enshrine changes in social norms. An example of the former is the introduction of paternity leave in the labour law of the four countries. This legal reform aims at changing social norms that prescribe that mothers should be in charge of childcare. By introducing paternity leave, it is hoped that fathers will take up their paternity leave and share childcare responsibilities (Box 2.6). An example of where legal reform enshrines changes in society is the abolition of a circular in Tunisia, which now makes it easier for Tunisian women to marry non-Muslims. In practice, Tunisian women were already increasingly marrying non-Muslims, but the legal reform has eased the formalities for such marriages (Box 4.2). The COLIBE report from Tunisia emphasises that as culture and identity change over time, legal frameworks should reflect these changes. The report uses this reasoning to justify equal inheritance rights for women and men (Case Study 4.1).

If deeply entrenched social norms are to be overcome, society has to be convinced of the need for such changes. This can be facilitated by community leaders who advocate for change. For example, Egypt's highest religious authority, Al-Azhar, has firmly condemned sexual harassment in line with the recent legal reforms, saying that using the way women dress to justify harassment shows a misinterpretation of the issue (Case Study 4.6).

## 6.11. Ensuring implementation and compliance

Without implementation, legal reform has little value. The case studies can only give a limited overview of how countries are implementing reforms since most are very recent. Nevertheless, it is clear that mechanisms are in place that can facilitate implementation and compliance with these recent reforms.

First of all, people that are affected by a reform should be aware of the reform. Awareness will be low if the details of the reforms are not adequately disseminated. CSOs in the four countries have put a lot of effort into sensitisation campaigns to make sure that people know and understand the legislation that affects them. For example, in Jordan the Sham'a Network regularly organises educational and awareness activities for law enforcement personnel and the judicial system on the legislation related to VAW (Case Study 4.5). In Morocco, awareness-raising campaigns are underway for both Moroccans and expats to register their domestic workers and to respect the provisions of the new legislative framework on domestic workers (Case Study 3.1). The media also plays an important role in clearly communicating what a reform is about. When doing research for this publication, it was clear that legal texts are not easily available online in all four countries. These texts are also often complex and may be linked to other legislative frameworks.

Once society is aware of the reforms, women should be able to enforce their rights. While the situation as regards women's access to justice in the four countries needs further research, the interviews carried out indicated that this remains difficult for a variety of reasons. First, even though recent reforms have been

enacted that enhance women's rights, discriminatory customary laws and traditions continue to exist in parallel. Secondly, since many women are financially dependent on their male family members, they may not have the means to bring a decision to court and may prefer to avoid friction in the family. It was also mentioned in the publication interviews that the justice sector is still male dominated and conservative attitudes prevail; thus certain judges may not interpret the law in favour of enhanced women's rights. This is particularly pronounced in the higher courts where there are even fewer women judges and where conservative attitudes are more common. In the four countries, different stakeholders are supporting women to access justice and provide support on how to navigate the judicial system. For example, in Egypt a Department for Combating VAW was established within the Interior Ministry to increase women's awareness of their rights, encourage them to report violent crimes, and explain the support available from the NCW and the office of the Public Prosecutor (Case Study 4.6). In some of the countries, judges have been trained in applying international standards on women's rights, as well as in the application of the recent reforms.

Encouragingly, some court decisions show that recent reforms are being applied. For example, court decisions were made that implement the recent Tunisian VAW law and the recent reforms in the Egyptian legal framework to address VAW (Chapter 4). However, in other areas of the law, such as labour law, court decisions on recent reforms were much more difficult to find. Sometimes the media reports on important court decisions, but the actual court decisions are not available online and cannot easily be retrieved. This is problematic since landmark decisions that apply recent reforms may not be known to the public and may not actually have an impact on how other judges decide in similar cases. In addition, it was reported that even though court decisions may rule in favour of women, these decisions are not always enforced. For example, in Egypt, judges have ruled in favour of women in inheritance cases, but women have no leverage if the family decides not to implement the court decision.

Other mechanisms that can facilitate compliance with reforms include reporting, labour inspections, complaint mechanisms and scrutiny by national human rights institutions. As mentioned above, countries are obliged to report regularly on their implementation of international standards on gender equality. There are also national reporting requirements on legal implementation. For example, the VAW law in Tunisia obliges the Ministry of Women's Affairs, Family and Children to report annually on implementation progress (Case Study 4.4). In the area of labour reforms, labour inspections can promote compliance. When labour inspectors are efficiently deployed, violations can be detected, reported and addressed (Case Study 3.1 and Box 3.2). Complaint mechanisms can be another means of encouraging compliance. For example, individuals in Morocco can report media content that is not in line with gender equality principles (Case Study 5.2). As indicated in Chapter 4, national human rights institutions can also play an important role in ensuring compliance with reforms (Case Study 5.3).



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## Notes

<sup>1</sup> These were expressed in the following years: Egypt 2010, Morocco 2017, Jordan 2008 and Tunisia 2010.

<sup>2</sup> See <https://sustainabledevelopment.un.org/memberstates>.

<sup>3</sup> The Fourth World Conference on Women in September 1995, produced the Beijing Declaration and Platform for Action, the most progressive blueprint ever for advancing women's rights. As a defining framework for change, the Platform for Action made comprehensive commitments under 12 critical areas of concern. Even 20 years later, it remains a powerful source of guidance and inspiration. The declaration is available at [https://www.un.org/en/events/pastevents/pdfs/Beijing\\_Declaration\\_and\\_Platform\\_for\\_Action.pdf](https://www.un.org/en/events/pastevents/pdfs/Beijing_Declaration_and_Platform_for_Action.pdf).

<sup>4</sup> For details of the side event, see <https://www.oecd.org/mena/competitiveness/UN-CSW-2019-Changing-Laws-Changing-Minds-Flyer.pdf>.

<sup>5</sup> The protocol is available at [https://www.un.org/en/africa/osaa/pdf/au/protocol\\_rights\\_women\\_africa\\_2003.pdf](https://www.un.org/en/africa/osaa/pdf/au/protocol_rights_women_africa_2003.pdf).

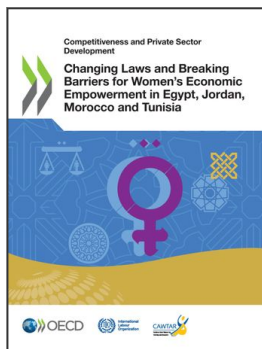
<sup>6</sup> The SDG indicators for women's economic empowerment are: SDG 5.1, 5.5, 5a, 5b, 5c, 8.3, 8.5, 8.10, 9.3 and 9c. Source: unpublished 2018 OECD paper on data collection for women's economic empowerment in Egypt, Morocco and Tunisia.

<sup>7</sup> Advocacy is “an activity by a group or individual that aims to influence decisions within political, economic and social systems and institutions. Advocacy includes activities and publications to influence public policy, laws and budgets by using facts, their relationships, the media, and messaging to educate government officials and the public” [https://www.theadvocatesforhumanrights.org/uploads/ch\\_7\\_2.pdf](https://www.theadvocatesforhumanrights.org/uploads/ch_7_2.pdf).

<sup>8</sup> Lobbying has a narrower definition, and means “any attempt to influence new or existing legislation either by contacting legislators directly or asking others to do so” (NCSL, 2020<sup>[13]</sup>).

<sup>9</sup> The MENA-OECD Governance Programme is a strategic partnership between MENA and OECD countries to share knowledge and expertise, with a view to disseminating standards and principles of good governance that support the ongoing process of reform in the region. The programme's work on gender equality is available at: <https://www.oecd.org/mena/governance/gender-equality-in-public-life/>.

<sup>10</sup> More information on women in public life can be found on the OECD's MENA-Governance Programme webpage: <https://www.oecd.org/mena/governance/gender-equality-in-public-life>.



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