



**REGIONAL OVERVIEW
FOR THE MIDDLE EAST
AND NORTH AFRICA**

MENA Gender Equality Profile

Status of Girls and Women in the
Middle East and North Africa

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1. BACKGROUND

DEMOGRAPHICS	VALUE	YEAR
Total population (000)	413,313	2009
Total adolescent (10-19) population (000)	83,589	2009
Total under-18 population (000)	156,647	2009
Total under-5 population (000)	46,917	2009
Population annual growth rate (%)	2,2	2000-2009
Total fertility rate (births per woman)	2,8	2009
Under-five mortality rate (per 1000 live births)	41	2009
Life expectancy at birth (years), male	74	2008
Life expectancy at birth (years), female	70	2008
Economic indicators		
GNI per capita (current US\$)	3,029	2010
<p>Sources: UNICEF, The State of the World's Children 2011. Life expectancy and economic indicator from The World Bank1, Data Catalog, http://data.worldbank.org/, [accessed in October 2011]</p>		

Gender Gap Index 2010		
Rankings of MENA countries with available data	Score	Rank
United Arab Emirates	0.6397	103
Kuwait	0.6318	105
Tunisia	0.6266	107
Bahrain	0.6217	110
Lebanon	0.6084	116
Qatar	0.6059	117
Algeria	0.6052	119
Jordan	0.6048	120
Oman	0.5950	122
Iran (Islamic Republic of)	0.5933	123
Syrian Arab Republic	0.5926	124
Egypt	0.5899	125
Morocco	0.5767	127
Saudi Arabia	0.5713	129
Yemen	0.4603	134
<p>Source: World Economic Forum, The Global Gender Gap Report 2010 (rankings of in total 134 countries)</p>		

2. LEGAL FRAMEWORK

Legal system. In the Middle East and North Africa region, several legal systems are implemented. Some countries' legal system is based solely on Islamic Shari'a law (Yemen, Iran, Oman, Qatar, Bahrain, Saudi Arabia), while most countries maintain a hybrid legal system combining a version of French, British or Egyptian legal codes with Shari'a. The personal status law, or family code, regulates matters such as marriage, divorce and child custody and is governed in most countries by Shari'a. This means that in cases related to personal status in many countries a woman's testimony is worth half of a man's before a court. In countries such as Egypt, Lebanon, Morocco and Sudan, religious minorities are allowed to apply their own communities' religious standards to some personal status matters. In other countries, they are obliged to follow Shari'a law. The courts are separated into Sunni and Shiite hearings in countries such as Bahrain, Kuwait and Lebanon. The legal system in every country in the MENA region contains provisions which could be considered discriminatory against women from a human rights perspective, in particular in relation to the personal status codes. In Saudi Arabia, no codified personal status law exists, which means that judges in courts rule based on their own interpretations of religious texts, which might lead to arbitrary decisions, while in Bahrain, the personal status code is only applicable to Sunni Muslims.¹

Convention on the Elimination of All Forms of Discrimination against Women. Sudan and Iran are the only two countries in the MENA region that have not ratified the CEDAW. The Palestinian Authority in the occupied Palestinian territory (oPt) has signed the CEDAW in a symbolic act. With the exception of Djibouti, all countries that ratified the Convention did put several reservations, both in general and to specific articles. The most common general reservation made by MENA countries is that accession to the CEDAW cannot conflict with Islamic Shari'a and the legislation in force in the country. Some of the reservations to CEDAW are particularly problematic, going to the heart of fundamental issues such as nationality, legal capacity and equality in the family. Most reservations by

¹ Freedom House, Women's Rights in the Middle East and North Africa 2010 (report, online version, www.freedomhouse.org)

countries in MENA are to all or parts of Article 2 (obligation to review and change constitutions, laws and policies – eight countries), Article 9 (abolition of discriminatory customs and traditions and of gender stereotyping – 11 countries); Article 15 (legal capacity and choice of residence and domicile – six countries); Article 16 (equality in the family – 13 countries) and Article 29 (arbitration of disputes over the application of treaty provisions – 14 countries). The preferred rationale for many of the reservations is conflict with religious law.² Tunisia is the first country in the MENA region which has announced it will withdraw all its reservations to CEDAW.

All countries signatory to CEDAW are required to report to the CEDAW Committee on a regular basis, and NGOs or other organisations can provide 'shadow reports' to supplement the State Parties' information. Based on these reports, the CEDAW Committee makes recommendations to the countries and emphasises the need to ensure the CEDAW articles are translated into national legislation.

Convention on the Rights of the Child. All countries in the MENA region, as well as the occupied Palestinian territory, are signatory to the CRC. As the occupying power, Israel is responsible for reporting on the situation of children in oPt to the CRC Committee and on the situation of women to the CEDAW Committee, but has so far failed to do so. Similar to the CEDAW, many of the countries in the MENA region have made both general and article-specific reservations to the CRC, referring to incompatibility with religious law and/or national legislation. The vast majority of countries in MENA have signed the optional protocol on child prostitution and child pornography (OPCP) as well as the optional protocol on the involvement of children in armed conflict (OPAC). The UAE is the only country which has not ratified any optional protocol, while Lebanon has not ratified OPAC. Syria and Oman have acceded to the optional protocols with reservations.

Nationality rights. In most countries in MENA, women do not have the same right as men to pass on their nationality to children born of a foreign father or to their foreign-born husband. This can have major implications on families and in some cases leave children stateless and/or without equal access to essential state services such as education and health care. Some MENA countries (amongst which Algeria, Egypt and Tunisia) have adjusted their nationality law in recent years to allow for women married to a foreign spouse to pass on their nationality to their children, and in some cases also to their spouse. Eleven countries however, still maintain their reservation on CEDAW article 9 (2) related to nationality rights and have not adjusted their legislation.

Divorce rights. In the majority of countries in MENA, men can file for divorce "unilaterally", while women can only file for divorce on a number of specified grounds. These grounds are specified in the personal status codes and often require women to provide evidence. In most cases, a woman can also seek divorce without the burden of evidence, but she then loses any right to compensation, is obliged to pay back her dowry or pays an additional sum of money to her ex-spouse.

Guardianship and custody rights. Most MENA countries distinguish between the guardianship role and custody. Usually the father is the guardian of the children and is responsible for their financial maintenance. In the case of divorce, the mother might be granted custody of the children up to a specific age, while the father remains the legal guardian of the children in most countries in the region. Saudi Arabia has a guardianship, or "wilaya", system under which adult women are considered the dependant of their male guardian (usually their husband or father) and have limited legal capacity.³

Inheritance rights. According to Islamic Law as applied in most MENA countries, women have the right to inherit, but they usually inherit a smaller amount (half or less) than male counterparts. In countries where religious minorities are allowed to implement their own laws in personal status matters, inheritance rights may vary per denomination.

² Marsha A. Freeman, "Discussion paper: Reservations to CEDAW: an analysis for UNICEF".

³ Human Rights Watch, 'Perpetual minors. Human rights abuses stemming from male guardianship and sex segregation in Saudi Arabia' (2008), <http://www.hrw.org/reports/2008/04/19/perpetual-minors>.

Freedom of movement. Many countries in MENA have adjusted their legislation in the past 10 years to allow women to obtain a passport and travel abroad without their husband or guardian's permission, with the notable exceptions of Iran, Iraq, Oman and Saudi Arabia as well as the occupied Palestinian territory. Customary practice, however, can still require women to demonstrate proof of their husband's or guardian's consent. In Saudi Arabia, women's freedom of movement is further confined due to the strict sex segregation in public spaces and the de-facto ban on driving for women. Many countries in MENA still consider the choice of domicile as a decision to be taken solely by the husband.

Protection from child marriage. Evidence shows that girls who marry early (i.e. below the age of 18) often are forced to abandon formal education and become pregnant at an early age. Child brides are at risk of violence, abuse and exploitation and child marriage often results in separation from family and friends and lack of freedom to participate in community activities, which can all have major consequences on girls' mental and physical well-being. The marrying of girls under 18 years old by adult men is rooted in gender discrimination, encouraging premature and continuous child bearing and giving preference to boys' education.⁴ In recent years, most countries in MENA have introduced equal legislation for the minimum age of marriage, which is between 18-21 years for both men and women in most countries. There are still exceptions, like Bahrain where the minimum age of marriage is 15 for girls and 18 for boys, and Iran where it is 13 for girls and 15 for boys. In most countries, marriage below the minimum age can be authorized by a judge or Shari'a court. In Lebanon, the minimum age of marriage depends on the person's religion but in all denominations girls below 18 years old are allowed to marry.

Polygyny, the form of marriage in which a man has two or more wives at the same time, is legal in all MENA countries, except for Tunisia.

Protection from gender-based violence. Gender-based violence both reflects and reinforces inequities between men and women and compromises the health, dignity, security and autonomy of its victims. It encompasses a wide range of human rights violations, including sexual abuse of girls and boys, rape, domestic violence, sexual assault and harassment, trafficking of women and girls and several harmful traditional practices.⁵ Except for Tunisia, no country in MENA has a specific law against domestic violence. Some countries such as Libya, Djibouti and Qatar have a provision in the law that spouses should not cause physical or mental harm, but evidence of injury is usually required to prove assault. Rape is considered a crime in all countries in the region, but in some cases a rapist might escape the punishment by marrying his victim, for example in Bahrain, Iraq, Jordan, Libya, Morocco, oPt, Syria and Tunisia. In some countries, including Libya, Oman, Saudi Arabia and United Arab Emirates, victims of rape even risk being prosecuted for extramarital relations if they press charges. Tunisia is the only country in the region to have criminalized spousal rape. "Honour killings" do occur in many countries in the region, although specific numbers are not known. Most countries have provisions in their legislation providing lenient sentences for a man who kills his wife or female relative who was caught in the act of adultery. Gender-based violence and lack of security for women are particular challenges in countries and territories in the region facing humanitarian crises, such as Iraq, oPt, Sudan, and Yemen.⁶

Female Genital Mutilation/Cutting. In MENA, FGM/C is practiced in Djibouti, Egypt, Iraq (Kurdistan), Oman, Sudan and Yemen. FGM/C refers to all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons. FGM/C is a fundamental violation of the rights of girls and is a deeply entrenched social norm. It is a manifestation of gender discrimination.⁷ Djibouti, Egypt, the Kurdistan Regional Government in Iraq and Oman have introduced legislation or decrees banning the practice, while Sudan is in the process of adopting a draft law to this end. The prevalence of FGM/C among women age 15-49 varies between countries and regions within countries, from 23 per cent in Yemen to 91 per cent in Egypt and

4 UNICEF, 'Child protection from violence, exploitation and abuse', http://www.unicef.org/protection/57929_58008.html.

5 UNFPA, 'Gender equality. Ending widespread violence against women', <http://unfpa.org/gender/violence.htm>.

6 Several reports were published on the impact of violent conflict on women in these countries, amongst which: Amnesty International, 'Trapped by violence. Women in Iraq' (2009); DCAF, 'Palestinian women and security. Why Palestinian women and girls do not feel secure' (2010)

7 UNICEF, 'Child protection from violence, exploitation and abuse', http://www.unicef.org/protection/57929_58002.html.

93 per cent in Djibouti. No numbers are known on prevalence in Oman. In most countries where data are available, urban women are less likely to be cut than rural women.

3. INSTITUTIONS AND MECHANISMS

Governmental response. Most countries in MENA have a mechanism in place which is responsible for the advancement of women's rights and gender equality, usually a ministry or women's committee. The CEDAW Committee places great importance on this national mechanism to ensure reporting and follow-up to its recommendations take place.

Strategies and services responding to gender-based violence. The level of strategies and services responding to gender-based violence in the MENA region varies greatly between countries, but is commonly rated as not sufficient by the CEDAW Committee and human rights agencies. The availability and accessibility of shelters, psycho-social support and other services for victims of gender-based violence often depend on the level of civil society engagement in the country as states usually do not provide these services. Lebanon, for example, has many NGOs working to combat gender-based violence which offer a wide array of hotlines, shelters and other support to victims of violence. In Jordan, the National Commission for Women established a network in which governmental and non-governmental organisations cooperate to combat violence against women. In countries where freedom of association is limited, there are usually none or very little services available for victims of gender-based violence. Some governments, including in Algeria, the Palestinian Authority and Tunisia, have introduced national strategies to combat gender-based violence.

4. WOMEN'S POLITICAL PARTICIPATION

Political representation. Women's political participation in the MENA region is low overall. Countries like Oman, Qatar and Saudi Arabia have no female members of parliament. Only two countries in the region have over 15 per cent female members; Iraq (25 percent) and UAE (23 per cent)). In some countries, like Saudi Arabia and Kuwait, women did not have the right to vote until very recently. Djibouti, Egypt, Iraq, Jordan, Morocco, oPt (for local elections in the Palestinian territory), Sudan and Tunisia have all introduced quota for women in parliament and in some cases for other elected bodies. Tunisia has even established the rule that all party ballots should include an equal number of males and females for the October 2011 elections.

Representation in the legal system. Most countries in the MENA region now allow women to study and practice law, although not always as a judge. Shari'a courts do not allow for female judges, which means that usually matters related to personal status will be considered by a male judge.

Civil society. The level of freedom of association differs strongly in the MENA region, which directly impacts the possibility for women and men to participate in civil society and to promote women's rights. In many countries, women's rights organisations have been working on changing discriminatory legislation, with different levels of success. Civil society organisations in Bahrain, Djibouti, Egypt, Jordan, Lebanon, Morocco, Saudi Arabia, Tunisia, UAE and Yemen have at one or more occasions provided shadow reports to the CEDAW Committee.

5. EDUCATION AND ECONOMIC PARTICIPATION

Education. Most countries have achieved gender parity in primary education, except for Iraq, Syria and Yemen. As for secondary education, Djibouti, Iraq, Morocco and Yemen still show a lower enrolment rate for females. Other countries, however, are showing higher enrolment rates for girls than for boys in secondary education, including Lebanon, Qatar, Saudi Arabia and Tunisia. Data for some countries reveal much higher literacy rates for young men as compared to young women (15-24) in particular Algeria, Egypt, Iraq, Morocco, Syria and Yemen.

Access to financial credit. The great majority of countries allow women to open a bank account and get credit at the bank. Some countries and territories have loan schemes specifically targeting women with the aim to increase their economic participation, including oPt, Syria and Yemen.

Participation in the labour market. Globally, women's labour force participation rate (that is, the proportion of the working-age population that actively engages in the labour market either by working or looking for work) is 52 per cent.⁸ Except for Djibouti (62 per cent) and Qatar (50 per cent), all countries in the MENA region demonstrate much lower female labour force participation rates. This applies also to countries with a relatively high education level for women. The differences are even starker when comparing young women's and young men's (15-24) labour force participation rates, showing concerning low rates for young women. Female labour force participation rates are particularly low in Iraq (48 per cent for young men and 8 per cent for women), Jordan (41 for young men, 9 for young women) and oPt (43 for young men, 10 for young women), while the smallest gaps are found in Djibouti (56 for young men and 46 for young women) and Iran (51 for young men and 33 for young women).

6. REPRODUCTIVE HEALTH

Maternal health. Almost all MENA countries are categorized as "making progress" or "on track" towards improving maternal health (MDG5), according to analyses of the reduction of the Maternal Mortality Ratio conducted by the Maternal Mortality Estimation Inter-agency Group (MMEIG), with the exception of Djibouti which has made "insufficient progress". Most countries and territories in the region have high antenatal care coverage at least once by a skilled attendant, with 97 per cent or higher coverage in Bahrain, Iran, Jordan, oPt, Oman and UAE. Yemen has the lowest coverage rate at 47 per cent and other countries such as Morocco (68 per cent) and Egypt (74 per cent) lag behind as well. Disparities by wealth/sub-region quintiles in access to antenatal care and skilled attendant at delivery are marked for most countries in the region.

Early childbearing. The adolescent birth rates show major variances between countries in the region and range from 4 births per 1,000 adolescent girls aged 15-19 in Algeria and Libya to 75 and 80 in Syria and Yemen, respectively.

7. KEY INDICATORS ON THE SITUATION OF GIRLS AND WOMEN

	Algeria	Bahrain	Djibouti	Egypt	Iran	Iraq	Jordan	Kuwait	Lebanon
Health									
Antenatal care coverage at least once by skilled personnel (%)	89	97	92	74	98	84	99	95	96
Adolescent birth rate (number of births per 1,000 girls aged 15-19)	4	13	27	50	31	68	32	12	18
Education									
Gender Parity Index (F/M) primary education	0.98	0.98	0.99	0.97	1.01	0.88	1.02	0.98	0.98
Gender Parity Index (F/M) secondary education	1.06	1.05	0.82	0.97	-	0.81	1.04	1.04	1.11
Child Protection									
% of women aged 20-24 who were married/in union before the age of 18	2	-	5	17	-	17	10	-	11
Female genital mutilation/cutting among women 15-49 (%)	-	-	93	91	-	-	-	-	-
Women's political participation									
% women in parliament	8	3	14	13	3	25	11	8	3
Legislated quotas for women for single/lower house (yes/no)	no	no	yes	yes	no	yes	yes	no	no
Women's economic participation									
Labour force participation rate (%), male 15+	80	85	79	75	73	69	74	83	72
Labour force participation rate (%), female 15+	37	32	62	22	32	14	23	45	22
Labour force participation rate (%), male 15-24	63	52	56	53	51	48	41	42	42
Labour force participation rate (%), female 15-24	30	21	46	20	33	8	9	24	18

*Data pertain to nationals of the country.

Notes:

The UNICEF global databases are available on www.childinfo.org

For indicator definitions and further information on data sources please see "Guide to MENA Gender Profiles

n/a = not applicable

Libya	Morocco	oPt	Oman	Qatar	Saudi Arabia	Sudan	Syria	Tunisia	UAE	Yemen
81	68	99	100	-	90		84	96	97	47
4	18	60	14	15	7*		75	6	22*	80
-	0.97	0.99	0.98	0.99	0.97		0.95	1.01	0.98	0.83
-	0.85	1.06	0.98	1.47	1.08		0.99	1.06	1.02	0.46
-	16	19	-	-	-		13	-	-	32
-	-	-	-	-	-		-	-	-	23
8	11	-	0	0	0		12	28	23	0.3
no	yes	-	no	no	no	yes	no	yes	no	no
79	80	68	77	93	80		80	71	92	74
25	26	17	25	50	21		21	26	42	20
53	61	43	49	73	47		61	43	57	49
19	22	10	23	34	10		20	22	29	17

RATIFICATION OF TREATIES

Source: United Nations Treaty Collection, <http://treaties.un.org> [accessed in September 2011]

Country	CEDAW (1972) Ratification	Reservations to CEDAW	CEDAW Optional Protocol ¹⁰	CRC (1989) Ratification	Reservations to CRC	CRC Optional Protocols ¹¹
Algeria	1996	Articles 2, 15 (4), 16, 29		1993	Interpretative declarations to: articles 13, 14 (1) (2), 16, 17	Acceded in 2009 and 2006
Bahrain	2002	Articles 2, 9 (2), 15 (4), 16, 29 (1)		1992		Acceded both in 2004
Djibouti	1998			2001		Acceded both in 2011
Egypt	1981	Articles 2, 16, 29 (2)		1990		Acceded in 2007 and 2002
Iran				1994	General reservation	Acceded in 2007 and 2009
Iraq	1986	Articles 2 (f) (g), 9 (1) (2), 16, 20 (1)		1994	Article 14 (1)	Acceded both in 2008
Jordan	1992	Articles 9 (2), 16 (1) (c) (d) (g)		1991	Articles 14, 20, 21	Acceded in 2007 and 2006
Kuwait	1994	Articles 9 (2), 16 (f), 29 (1)		1991	General reservation and declarations to articles 7, 21	Acceded both in 2004
Lebanon	1997	Articles 9 (2), 16 (1) (c) (d) (f) (g), 29 (1)		1991		Acceded to #2 in 2004
Libya	1989	General reservation and articles: 2, 16 (c) (d)	2004	1993		Acceded both in 2004
Morocco	1993	Article 29 (1) and declaration to article 2		1993		Acceded in 2003 and 2001
Oman	2006	General reservation and articles 9 (2), 15 (4), 16 (a) (c) (f), 29 (1)		1994	General reservation and reservations to articles 7, 9 (4), 14, 21, 30 ¹²	Acceded both in 2004 with general reservation
Qatar	2009	Articles 2 (a), 9 (2), 15 (1) (4), 16 (1) (a) (c) (f), 29 (1) Declarations to articles 1, 5 (a)		1995	Articles 2, 14	Acceded in 2002 and 2001
Saudi Arabia	2000	General reservation and articles 9 (2), 29 (1)		1996	General reservation	Acceded in 2011 and 2010
Sudan				1990		Acceded in 2005 and 2004
Syria	2003	Articles 2, 9 (2), 15 (4), 16 (1) (c) (d) (f) (g), 16 (2), 29 (1)		1993	General reservation and reservations to articles 14, 20, 21	Acceded both in 2003, #2 with reservations to Article 3 (1) (a) (ii) and 3 (5)
Tunisia	1985	General declaration and articles 9 (2), 16 (c) (d) (f) (g) (h), 29 (1) Declaration to article 15 (4) ¹³	2008	1992	General declaration	Acceded in 2003 and 2002
UAE	2004	Articles 2 (f), 9, 15 (2), 16, 29 (1)		1997	Articles 7, 14, 17, 21	
Yemen	1984	Article 29 (1)		1991		Acceded in 2007 and 2004

¹⁰ By ratifying the Optional Protocol, a State recognizes the competence of the Committee on the Elimination of Discrimination against Women – the body that monitors States parties' compliance with the Convention – to receive and consider complaints from individuals or groups within its jurisdiction.

¹¹ #1: Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000) and #2: Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000).

¹² The government has announced as per Royal Decree No. 86/2011 to withdraw all of the Sultanate's Reservations on the Child Rights Convention, except for the reservation on article No. 14 of the Convention which grants the child the right to choose his religion.

¹³ The government has announced it will withdraw these reservations, however this is not reflected yet in the United Nations Treaty Collection, <http://treaties.un.org> [as of September 2011]

