

Women's 'Empowerment' and Gender Equality in the Arab World: Interpretations and Challenges*

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Abstract

Woman's 'Empowerment' as a concept has always engaged interest of development organizations locally and internationally. While being identified as a matter of socio-legal and economic facet the political and subsequent legal facets of it has been sustainably under discussed and thus a comprehensive gender equality has constantly been missed. 'Empowerment' became a buzzword among development professional in both governmental and nongovernmental contexts. For that looking into the available legal structure, recent changes and international initiatives efforts are tantamount to understand their promoted model of 'Empowerment' and its efficiency. The analysis utilizes comparative methodology to provide insight into different examples of 'Empowerment' through changes of some national laws that successfully lead to gender equality or not. For the purpose of this paper examples from various countries of the Arab world will be drawn upon to offer an understanding of empowerment, its interpretations with regard to gender equality and challenges intersociety.

Women empowerment in the Arab world remains a central issue in the context of development. Akin to many societies around the globe gender equality is yet to be achieved. This research will provide an introduction into the current legal stand of some Arab countries in terms of gender equality and women rights. It argues that whilst some countries made efforts to promote women empowerment as a concept and practiced throughout its policies, others have indeed some unique journeys that reflect organic and from within evolutions. Nonetheless, these efforts are yet to reflect a comprehensive structure that addresses women legal and political empowerment let alone social status. A contradiction in realities of different Arab states is nothing new since the lack of comprehensive rights-based policy making in Arab countries has contributed to the disconnect between economic growth and development challenges.

Key words: Women, Empowerment, Challenges, Gender Equality, International Development.

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Introduction

Women empowerment is a multi-facet concept that brings to fore socio legal economic and political dimensions. Legal empowerment stands as an important aspect that crosses through all of these dimensions and brings together socio political and legal involvement of women in society. This type of involvement is usually a product of specific local history and socio political identity while concurrently has a direct effect on each of the state identity, its constitution and political mobilization within the state. Women rights and gender inequality remain one of the main issues that has been emphasized through international development efforts⁽¹⁾ but yet to achieve a sustainable level in developing countries such as the region of Arab states. Equally, inequality remains deeply rooted in the majority of societies around the world. Thus, the challenges presented in bridging the gender gap are not confined to the Middle East alone, although the character, nature and intensity of these challenges/obstacles may be different and more firmly entrenched for a variety of reasons.

While gender equality is indeed recognized as a human right and one of the main goals to achieve a universal sustainable development⁽²⁾, women empowerment to reach this equality became the foundation of governmental and nongovernmental efforts to fulfill this right. In order to understand the effectiveness of 'empowerment' it is primarily essential to draw out layers of meaning of such a concept and to review briefly the international structure set to support gender equality and women rights. Arab states present an interesting example to illustrate how legal empowerment and equality remain work in progress despite national and international efforts to support primarily economic empowerment and how social norms remain more influential even in the face of new legal developments.

This research is aware of the significant outcome of empowerment frameworks and projects as indicative to its efficiency focuses on the structure and basis adopted by national states to reach these goals. The research claims that empowerment is sought for its own value, gender equality is sustainably missed despite legal developments in laws and institutional restructuring as in relevant

(1) The 17 sustainable development goals set by the UN. They are known also as «Transforming our World: the 2030 Agenda for Sustainable Development» or 2030 Agenda in short available at <https://www.un.org/sustainabledevelopment/sustainable-development-goals/> Last visited on 01/05/2018.

(2) Ibid.

courts and departments⁽³⁾. It argues further that the lack of a comprehensive legal structure of rights and legal recourse to support this structure in Arab countries has contributed to the disconnect between economic growth as it stands and development challenges⁽⁴⁾.

This research will highlight first the multi faceted nature of the concept of women's empowerment particularly socio legal, economic and political elements. It will provide a distilled review of the existing international framework of women's empowerment as a general concept supported within an agenda of international sustainable development. The research will then look into the case of some Arab countries and their position regarding gender equality and how they respond to projects of women empowerment⁽⁵⁾.

Methodological Limitations

To achieve this purpose, the researcher employed qualitative methodology, depending on international reports and literature as instruments for data collection.

It must be stressed that this paper will examine process of domestication of gender equality in response to international standards in the Arab world. This paper will set out the context under which further detailed studies could address specific Arab states each in a case study for purposes of assessing individual state legal development towards gender equality and particular political participation within each state. The study focuses on the Arab world since it encompasses a wide range of diverse and heterogenous elements.

(3) Abbas El-Zein, Jocelyn DeJong, Philippe Fargues, Nisreen Salti, Adam Hanieh, Helen Lackner, 2016, "Who's been left behind? Why sustainable development goals fail the Arab world". Published by DOI and available on http://philippefargues.com/wp-content/uploads/2016/12/3-The-Lancet_Whos-been-left-behind-January-2016.pdf last visited on 01/05/2018.

(4) AWID report by Kinda Mohamadieh, 2011, "Women's economic empowerment in the Arab region: How Chronic Development Challenges and the Global Crises Triggered People's Revolutions" available at https://www.awid.org/sites/default/files/atoms/files/icw_2011_arabregion.pdf last visited on 01/05/2018.

(5) Examples discussed in this paper are including Egypt, Jordan, Tunisia, Algeria and Morocco. This selection was based on a number of elements shared by these countries; 1- post colonial secular Constitutions 2- early support followed by ratification of key international instruments 3-Recent developments in an attempt to modernize and further push a women rights agenda for more visible political participation. Furthermore, due to current wave of armed conflicts and unrest that affect the status of women significantly, although they may provide reach and very relevant examples, countries like Syrian Libya and Yemen are not included in this paper. Countries from the Arabian Gulf stand also as essential examples for the discussion of women equality and empowerment though they offer a different historical and contextual reality. Positive example from the case of Kuwait are included as this case reflect an organic legal development supported by social needs see infra notes no 47-49 . This grouping of states is in an attempt to address each of them in a future separate piece of study.

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Historically, the Arab world is characterized as “highly heterogeneous”⁽⁶⁾ and represents a diversity that “encompasses a complex system of vertical loyalties and communal differentiations (ethnic, linguistic, sectarian, tribal, local, regional and the like)”⁽⁷⁾.

Furthermore, while the Arab countries share the reality of a poorly developed and understudied relationship among communications, politics, culture and participation, it is noteworthy that it is a region of sharp contrasts, ranging from Bahrain and Qatar each with less than a million people in population, to Egypt, which has population of 99 million. It includes Sudan and Somalia, which are the poorest countries in the world, and the United Arab Emirates and Qatar, which are two of the richest⁽⁸⁾. There is as significant ethnic and culture diversity within each country. While Islam, for example, is often assumed to be a major factor in the unity of Arab culture, there are some deep differences in the way it is understood and practiced in various parts of the region, especially in terms of its relationship to the state and public life. So while the region of greater Syria (the geographical and historical region covering Syria, Lebanon, Jordan, and Palestine) experienced transitions towards greater secularization, the Arab Islamic states of Saudi Arabia and the Gulf States maintained an Islamic state and identity. Being aware of these differences that have their own bearing on women's empowerment, the researcher chose the case studies for the purpose of this study on the basis of their similarities in terms of constitutional legacy and vision of legal development⁽⁹⁾.

Views that lacking perceptiveness consider that Islam is incompatible with women's rights and gender equality. This adds to the challenge of gender equality in the region which would require in addition to providing a structure to support these rights to primarily dismantle this stereotypical mythical reading of the Arab women reality from pragmatic point of view free of orientalist reading. While this study is focusing on legal reform and

(6) H. I. Barakat, (1993), *The Arab World: Society, Culture and State*, University of California Press, p 15.

(7) Ibid. For selection of states examples highlighted for the methodological purposes of this study please See Supra note no 5.

(8) The researcher argues that these vast disparities prove to be a main challenge and perhaps the Arab world should not be taken as one study but separated into the states that share characters. Considering Gross Domestic Product (GDP) is essential to decide richest and poorest countries in the world however unless compared with relative purchasing power the latter yardstick alone doesn't reflect accurately responding living conditions. Please see “Global Finance” providing a ranking list of poorest and richest countries corresponding with the purchasing powers available on <https://www.gfmag.com/global-data/economic-data/worlds-richest-and-poorest-countries> last visited on 09/09/2018.

(9) See supra note no 5.

the legal frame work Views that lacking perceptiveness consider that Islam is incompatible with women's rights and gender equality. This adds to the challenge of gender equality in the region which would require in addition to providing a structure to support these rights to primarily dismantle this stereotypical mythical reading of the Arab women reality from pragmatic point of view free of orientalist reading. While this study is focusing on legal reform and the legal frame work available to advance such a reform, a number of other factors also play a clear role into preventing or facilitating women engagement and development education and family life constrains and urban reality. Education for example is essential to enhance a well aware economic and social involvement⁽¹⁰⁾.

The complex relation between international standards and the area goes beyond the issue of women rights and equality. Scholars of post colonial theory contend that the representation of the 'Orient' was depicted in a very distorted and negative way by some individuals in the late eighteenth and nineteenth centuries.⁽¹¹⁾ Scholars of Third world Approaches of International Law (TWAAIL), similar to post-colonial theorists, viewed international law as playing a pivotal and instrumental role in turning the Orient into a colonial space.⁽¹²⁾ Therefore, the historical expansion of the discourse on development suddenly took root as the governing logic of an international system.⁽¹³⁾ Another challenge is a stereotypical reading of the relations between Islam and women's rights which is promoted by debate among some women's rights experts.

Lack of accurate data to stand on the true efficiency or legal recourse for example and the practical utilization of law which is already in place is another obstacle in the face of any research or indeed specialized organization aiming

(10) See for a report on Women education in the Middle East the report of Population Reference Bureau (PRB), 'Empowering Women, Developing Society: Female Education in the Middle East and North Africa' available at <https://www.prb.org/empowering-women-developing-society-female-education-in-the-middle-east-and-north-africa> Last visited on 09/09/2018. See also Carolyn Medel-Anonuevo (ed), 1993, 'Women, Education and Empowerment: Pathways towards Autonomy' UNESCO Institute for Education, Hamburg available at http://www.unesco.org/education/pdf/283_102.pdf last visited 09/09/2018.

(11) E. W. Said, (1979), *Orientalism*, Vintage Books; P. Williams and L. Chrisman (1994), *Colonial Discourse and Post-Colonial Theory: A Reader*, Columbia University Press.

(12) Ibid, A. Boyle, and C. Chinkin, (2007), *The Making of International Law*, Oxford University Press.

(13) A. Anghie, (2005), *Imperialism, Sovereignty and the Making of International Law*, Cambridge University Press; F. R. Snyder et al. (1987), *Third World Attitudes Toward International Law*, Kluwer Academic Publishers; L. Gandhi, (1998), *Postcolonial Theory: A Critical Introduction*, Columbia University Press.

to evaluate the stand of each state within the region⁽¹⁴⁾. Thus, was the data collected from available international reports.

This study's time range focuses on the changes made since the uprising and waves of unrest in the region since 2011. It will look into recent developments that are taken in an atmosphere of high challenge and expectations of reform nationally and internationally.

What is Women Empowerment?

When asking what does women empowerment stand for, literature offers a plethora of definitions and has attempted to conceptualize the term and reflect on practice for more than twenty years⁽¹⁵⁾. The interrelation with each of power and gender equality remain however corner stones for the theory and practice of the concept of empowerment with no one definition gaining consensus.

Empowerment is defined, for example as ' a multidimensional social process that helps people develop power to use in their lives, communities, and society'.⁽¹⁶⁾ More specifically by linking women empowerment and the concept of power Mayoux⁽¹⁷⁾ provided an interesting framework based on power within which it offers a definition and yet the levels of power engaged to consolidate this framework;

“Empowerment is multidimensional and interlinked process of change in power relations.

- power within: enabling women to articulate their own aspirations and strategies for change;
- power to: enabling women to develop the necessary skills and access the necessary resources to achieve their aspirations;

(14) See UN Women , Report October 2016, “The Business Case for Women’s Economic Empowerment in the Arab States Region” available at <http://www2.unwomen.org/-/media/field%20office%20arab%20states/attachments/2016/business%20case%20report%20en%202016.pdf?la=en&vs=215> and The Women’s Economic Empowerment in Selected MENA Countries - The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia available at https://read.oecd-ilibrary.org/development/women-s-economic-empowerment-in-selected-mena-countries_9789264279322-en last visited on 01/05/2018.

(15) See for example , Linda Mayoux , 2000, ‘Micro-finance and the empowerment of women; A review of the key issues’, Page, Nanette; Czuba, Cheryl E, Empowerment: What Is It?, Journal of Extension, v37 n5 Oct 1999, Zwart, G. (1992). From women in development to gender and development, More than a change in terminology? Agenda, 14, 16 – 21. Linda Mayoux, 2002. ‘Microfinance and women’s empowerment: Rethinking ‘best practice’.

(16) Page, Nanette; Czuba, Cheryl E, Empowerment: What Is It?, Journal of Extension, v37 n5 Oct 1999

(17) Linda Mayoux , 2000, ‘Micro-finance and the empowerment of women; A review of the key issues’.

- power with: enabling women to examine and articulate their collective interests, to organize to achieve them and to link with other women's and men's organizations for change;
- power over: changing the underlying inequalities in power and resources which constrain women's aspirations and their ability to achieve them.

Mayoux further explains how these power relations operate in different spheres of life and at different levels both vertically and horizontally (e.g economic, social, political) and at different levels (eg individual, household, community, market, institutional)".⁽¹⁸⁾Based on the structure of power and function put forward by Mayoux, this research argues that while some dimensions of empowerment are activated the ambition of a whole structural legal equality is yet to be achieved in Arab countries.

Some highlight different levels of empowerment in response to different types of participation all with the main aim of facilitating 'women's equal participation in society and thus they address economic empowerment, social empowerment and political empowerment. Legal empowerment in turn is often considered a subcategory under political empowerment. In fact, legal empowerment is the tool to guarantee more political participation for woman when the rule of law is upheld and a legal recourse is available for efficient and equal access.

Reflective of different experiences, some critical views on the term itself and the practical implementation of empowerment emerged in different regions. The term women empowerment is skeptically regarded in Latin America as some activists argue that 'empowerment has been employed by various sectors in the society and initiatives in some occasions applied techniques that may not be resulting with a better empowered condition for women'⁽¹⁹⁾.

(18) Mayoux 2000.p18.

(19) This analysis meets in places with theorist of international law particularly with third world approaches of the third world stand and expectation regardless of the plan set internationally B.S Chimni, 'Third World Approaches to International Law; A Manifesto', 2006, *International Community Law Review* 8: 3–27. In the context of empowerment Cecilia M.B. Sardenberg explain "This view of empowerment is as a process by which people begin 'making decisions on matters which are important in their lives and being able to carry them out' (Mosedale 2005: 244). Feminists who conceptualise empowerment in this way argue that to be empowered 'one must have been disempowered' as women have as a group, and that 'empowerment cannot be bestowed by a third party', although it is possible to act as 'facilitator' of this process. Indeed, Srilatha Batliwala proposes that women's empowerment involves challenging patriarchal relations, which in turn requires that women first 'recognize the ideology that legitimizes male domination and understand how it perpetuates their oppression' (1994: 131). She further notes that this process of change does not necessarily 'begin spontaneously from the condition

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This is shared with some activist in the Middle East where their views meet on the debatable outcome of several initiatives of empowerment, claiming that despite all attempts to engage and empower women economically their political participation did not particularly benefit from these economic initiative nor did legal recourse support a free political participation ⁽²⁰⁾

While the discussion over the significance and definition of empowerment is ongoing, economic initiatives in the area remain intense and at different levels⁽²¹⁾. Statistically a very challenging image of women around the globe still emerges. Records of the UN World Food Program shows seven out of 10 of the world's hungry are women⁽²²⁾. According to CARE International, women still work two-thirds of the world's working hours, produce half of the world's food, yet earn only 10 percent of the world's income and own less than 1 percent of the world's property. ⁽²³⁾

Thus, it is possible to say that notwithstanding economic attempts and initiatives, missed comprehensive legal structure makes women empowerment much more challenging. Local legal empowerment remains a stepping stone to bridge the gender gap and ensure more political participation and until the latter is improved economic participation is unlikely to alter to a more equitable position. Inclusive participation in turn is the corner stone to sustain peace in times of conflict and development in settled times. Law being the backbone of equal developed and democratic societies, upholding rule of law that prioritizes an agenda of equality would guarantee that all disadvantaged groups have

of subjugation'; it must be 'externally induced'. As she claims: 'Women must be convinced of their innate right to equality, dignity and justice' (Batliwala 1994: 132). Women's organisations play a fundamental role in bringing women together for their mutual empowerment. Along with other feminists from the South (Léon 2001, for example), Batliwala claims that the concept of 'empowerment' thus conceived is a contribution from so-called 'Third World' feminists. More specifically, they see it as emerging as part of the debates and critiques of 'Third World' feminists and their attempts to articulate feminist thinking with the principles of popular education (Batliwala 1994). They also recognise the contribution of Gramsci's thoughts, particularly in relation to the importance of devising participatory mechanisms for the construction of more equitable and non-exploitative institutions'; Cecilia M.B. Sardenberg, 'Liberal vs Liberating Empowerment: Conceptualising Women's Empowerment from a Latin American Feminist Perspective'.

- (20) The Myth of Women's 'Empowerment' by Rafia Zakaria available on <https://www.nytimes.com/2017/10/05/opinion/the-myth-of-womens-empowerment.html>.
- (21) 12 initiatives of economic empowerment in the Middle East <https://www.wamda.com/2013/10/initiatives-working-empower-women-middle-east> last visited on 01/05/2018. this is in addition to the main International donors and work of international development organization see.
- (22) UN women's SDG reports available at <http://www.unwomen.org/en/digital-library/sdg-report>.
- (23) More than 850 million people— most of them women and children—suffer from chronic hunger or malnutrition. The recent global financial crisis, combined with recent food price increases, have a lasting effect to women in poor countries and their children, including higher infant mortality, more girls being pulled out of school, and reduced women's income (World Bank, 2009).

equal access and protection by the law, this being an issue woman shares with many other groups like the poor the children and other disadvantaged groups. Hence was the focus on progress of attentiveness towards the concept of legal development that calls for a comprehensive system to ensure visible woman participation.⁽²⁴⁾

The following section will address briefly the international legal framework providing a guidance for national states with regard to gender equality. The paper will then turn to consider legal and constitutional development and realities in some countries within the Arab world. This is done to highlight different legal experiences in response to international expectations. These experiences are chosen from states that have sustained effort to match international standards and modernize national laws to support women rights.

International Framework

A number of international treaties have established general international standards on gender equality. Namely each of the early International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic Social and Cultural Rights (ICESCR) have overtly transposed on state parties obligations of recognizing equal rights of men and women⁽²⁵⁾. International effort did not seize at the level of this general standard but it also ratified focused treaties and made pledges into non binding recommendation on gender equality and women's economic integration⁽²⁶⁾.

Early in the days of the United Nations Development Program (UNDP) the tight relevance of the issue of women empowerment to the reality of developing countries since its early report of 1995 was emphasized. It has stated that 'Human Development, if not engendered, is endangered'. It further recognized the need to bridge the 'gap between women's expanding capabilities and limited opportunities'. Eventually new measures were introduced by UNDP for ranking countries on a global scale by their performance in gender

(24) Asian development bank was perhaps the first to address a legal empowerment structure that focuses on women ability use legal and administrative processes and structures to access resources, services, and opportunities.

(25) ICCPR article 3 and 26. ICESCR articles 3,6 and 7. These include obligations on equality in right to work.

(26) In its Resolution 2005/31, ECOSOC called on all UN bodies to develop action plans for gender mainstreaming with clear guidelines on and timelines for the practical implementation of gender perspectives in policies and programs available at <http://www.un.org/en/ecosoc/docs/2005/resolution%202005-31.pdf> last visited on 01/05/2018.

equality⁽²⁷⁾. Main strategy points provided for equalizing gender opportunities was, naturally, with a clear legal focus; 'National and international efforts must mobilize to win legal equality of the sexes within a defined period' and thus was the subsequent bestowed interrelation between woman empowerment, paradox of equality in a developing region that is finding its first steps of reform and sustainable development.⁽²⁸⁾

International efforts have moved subsequently to establish a solid platform of international standards that countries are expected to match to recognize their efforts for ending all forms of discrimination against women. This started clearly with the general assembly adoption of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)⁽²⁹⁾ which is referred to as the International Bill of Rights for Women. CEDAW however was criticized as one of the weakest conventions on human rights due to lack of implementation mechanisms and intensity of reservations⁽³⁰⁾. Reservation, being a central point to be discussed below, from the Arab states for example have tended to void the ratification of these states from its substance⁽³¹⁾.

The Beijing conference 1995 in turn pushed the movement forward and emphasized women rights as human rights while providing for specific actions to ensure respects of these rights⁽³²⁾. The conference provided to what was called 'The Beijing Platform of Action' within which the United Nations and governments recognized the need to promote gender mainstreaming as an essential strategy to ensure that gender perspectives are included and reflected in all policies and programs at the national, regional and international levels⁽³³⁾.

(27) Human Development Report 1995; Gender and Human Development available at <http://hdr.undp.org/en/content/human-development-report-1995> last visited on 01/05/2018 ; It introduces two new measures for ranking countries on a global scale by their performance in gender equality (GEM) and (GDI), and analyses the under-valuation and non-recognition of women's work. It offers a five-point strategy for equalizing gender opportunities in the decade ahead.

National and international efforts must mobilize to win legal equality of the sexes within a defined period; Many economic and institutional arrangements need revamping to extend more choices to women and men in the work place; A critical 30% threshold should be regarded as a minimum share of decision-making positions held by women at the national level; Key programs should embrace universal female education, improved reproductive health and more credit for women.

(28) Un Women and sustainable development " Why Goal 5 Matters?" available at <http://www.unwomen.org/en/what-we-do/post-2015/why-goal-5-matters> last visited on 01/05/2018.

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

(30) HDR report 2005 available at <http://www.arab-hdr.org/reports/2005/english/ch8-e2005.pdf>.

(31) Ibid. see also infra notes 40-42.

(32) Between the 1970s and 1990s international efforts included a number of conferences and conventions calling for stronger measures to address the issue of woman role and all gender based opportunities.

(33) Michelle Lopez Alvarez , 2013, From Unheard Screams To Powerful Voices: A Case Study of Women's Political Empowerment in The Philippines, Philippine Commission on Women, 12th National Convention on Statistics (NCS) EDSA Shangri-la Hotel, Mandaluyong City October 1-2, 2013.

The mission statement of this platform provided a clear agenda for woman empowerment and offered alongside this agenda a definition for gender equality that emphasizes woman rights as a human right;

“Equality between women and men is a matter of human rights and a condition for social justice and is also a necessary and fundamental prerequisite for equality, development and peace. A transformed partnership based on equality between women and men is a condition for people-centred sustainable development. A sustained and long-term commitment is essential, so that women and men can work together for themselves, for their children and for society to meet the challenges of the twenty-first century.”⁽³⁴⁾

United Nations eventually focused its work on gender issues and women empowerment in association with sustainable development goals⁽³⁵⁾ that reserved a critical role for woman in all of these goals. Essentially, Goal 5 of the 17 goals of sustainable development set by the UN program provides to “[A]chieve gender equality and empower all women and girls” what is known as the stand-alone gender goal, because it is dedicated to achieving these ends⁽³⁶⁾. Thus, the process called for profound legal and legislative changes to ensure women’s rights around the world and integrate gender equality into all aspects of law and policy.⁽³⁷⁾

Failing to harness the talent of working-age and educated women means lost economic potential and less growth⁽³⁸⁾. It is estimated that raising women’s participation in the labour force to the same level as men could boost global

(34) Beijing Platform of Action, 1995.

(35) Ester Boserup’s *Women’s Role in Economic Development* published in 1970, she predicted the trends in economic development as not being women-friendly, such as the widening income inequality and industrialization.

(36) Each MDG and SDG set of goals emphasized in goal 5 the significance of women empowerment and gender equality for their agenda of funds and the ultimate aim of sustainable development see UN sustainable development goals fund available at <http://www.sdgfund.org/mdgs-sdgs> see also Arab Women Organization, 2015, “Platform for Action to implement the Sustainable Development Goals 2030 for Women in the Arab Region” http://www.arabstates.undp.org/content/dam/rbas/doc/Women’s%20Empowerment/Agenda_2030_for_Women_in_the_Arab_Region_English.pdf.

(37) The international framework in this research is based on the CEDAW and the agenda of sustainable development ILO is to cover also labor issues which are not covered in this research.

(38) In its latest report the OECD explained how in the middle east only 24% of women in MENA countries are in employment – a level that compares to 60% in OECD countries – and gender-based discrimination in laws and social norms costs the region USD 575 billion a year according to the OECD Development Centre’s SIGI gender index. *The Women’s Economic Empowerment in Selected MENA Countries - The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia* available at https://read.oecd-ilibrary.org/development/women-s-economic-empowerment-in-selected-mena-countries_9789264279322-en.

GDP by USD 12 trillion, or 26%, by 2025.⁽³⁹⁾

Throughout the last decade Arab states have worked towards providing more guarantees for gender equality and have become more open towards international initiatives aimed at bringing greater economic and financial involvement of women in society. Stark gender discrepancies remain in economic and political realms. While there has been some progress over the decades, on average women in the labour market still earn just over 24 per cent less than men globally⁽⁴⁰⁾

To better understand success and failures within these systems it is necessary to look closer into the legal structure provided at the national level and this is the focus of the next section.

Women Empowerment, Legal structure and Political Participation

Law remains one of the main steps on the ladder for a social change. Though until recently 'Gender' equality gained less focus than 'Equality' in general sense, laws and constitutions in the Arab world mostly tend to offer in their blue print adequate guarantees of 'Equality' amongst its citizens. So there was no positive and direct recognition promoting women empowerment but by implication only in broader principle. Nonetheless reality is that discrimination against women remains deeply rooted in most societies⁽⁴¹⁾. With some controversial and considerable reservations⁽⁴²⁾, most of the countries in the area ratified key international conventions that promote gender equality⁽⁴³⁾ including their

(39) The Women's Economic Empowerment in Selected MENA Countries - The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia available at https://read.oecd-ilibrary.org/development/women-s-economic-empowerment-in-selected-mena-countries_9789264279322-en last visited on 01/05/2018.

(40) UN Women Report; Turning Promises Into Action: Gender Equality in the 2030 Agenda for Sustainable Development available at <http://www.unwomen.org/en/digital-library/sdg-report>.

(41) Human Development Report 2016-17, Human Development in the Arab States available at http://www.arabstates.undp.org/content/rbas/en/home/library/huma_development/human-development-report-2016.html last visited on 01/05/2018. See also UNDP 'Arab Region in review' Feb 2018 available at www.arabstates.undp.org/content/rbas/en/home/library/Sustainable_development/arab-region-2017-in-review.html see also UNDP Report 2016 'Arab Human Development Report 2016: Enabling youth to shape their own future key to progress on development and stability in Arab region' available at <http://www.undp.org/content/undp/en/home/presscenter/pressreleases/2016/11/29/arab-human-development-report-2016-enabling-youth-to-shape-their-own-future-key-to-progress-on-development-and-stability-in-arab-region-.html> last visited on 01/05/2018.

(42) Reservations are usually on each of article 9 Rights to nationality, article 15 women equality with men and legal capacity, article 16 marriage and family relations. It is basically clear that while woman can not enjoy any of these rights it is almost impossible for her to have total equality with men within these societies.

(43) The states considered for the purpose of this study have all ratified each of ICCPR and ICESCR. Tunisia in 1969, Jordan in 1975, Morocco in 1979, Egypt in 1982 and Algeria in 1989.

declared commitment to the CEDAW by ratifying each of the treaty and the optional protocol in 2000⁽⁴⁴⁾. The reservations they held however seem to touch on core legal values that prevented domestication of the convention due to explicit conflict with some discriminatory laws against women such as article 9 Rights to nationality, article 15 women equality with men and legal capacity, article 16 marriage and family relations. These national rights definitely need updating considering the legal consequences they bear on women rights and gender equality

In the wake of the uprisings of 2011 throughout the region some countries adopted new constitutions or amended their existing constitutions to better respond to political change and international commitments. Constitutions in each of Algeria, Tunisia Morocco, Jordan and Egypt have provided for provisions to establish gender equality and emphasized the role of women in society. In particular, the most recent being the new constitution in Algeria in 2016. Tunisia and Egypt both had their recent amendments in 2014, while Morocco adopted its new constitution in 2011.

Aiming to meet international standards and obligations each of the above named constitutions was keen to include women focused guarantees for principles of equality and none discrimination⁽⁴⁵⁾, economic and political participation⁽⁴⁶⁾, frightening violence against women⁽⁴⁷⁾. Effective implementation of these changes require however further embedment and incorporation into national law and policies. It is worth pointing out that this is about a change of values and the capability of the law in this regard is limited. So whilst it is the first step on the ladder, to affect such changes in entrenched value system and structures is going hopefully to evolve over generations

While laws and constitutional guarantees are pivotal to tackle the issue of gender equality, upholding the rule of law relies heavily on available access

(44) Tunisia in 2008 and Morocco in 2016 are amongst 106 states partied to the protocol. This was however with a number of reservations on each of articles 12, 15 and 16 . see supra note 40.

(45) Article 19 Constitution of Morocco, Article 21 Constitution of Tunisia, Article 11 Constitution of Egypt, Article 32 and 34 Constitution of Tunisia, Article 6 Constitution of Jordan.

(46) In terms of representation of women in specific positions and access to professional institutions; Articles 11 and 180 Constitution of Egypt and it requires a specific quota of women representation in local elections and representation in parliament. Articles 46 and 74 Constitutions of Tunisia and they require parity between women and men in elected councils. Article 35 Constitution of Algeria. The 2016 Constitution of Morocco provides for guarantees of parity between men and women and they eventually established relevant institutions as per the recommendation of the CEDAW for raising awareness of all forms of discrimination against women.

(47) The new constitutions explicitly requires the state to fight violence against women article 11 Egypt constitution and article e 46 Tunisia Constitution.

to courts and remedies that are ready to provide timely impartial judgment over nagging issues such as discrimination⁽⁴⁸⁾. Thus, providing an effective legal recourse is also an essential requirement emphasized by the CEDAW and other relevant conventions for women who suffer from existing violations "State parties must ensure that women can invoke the principle of equality in support of complains of acts of discrimination contrary to the convention. States parties must further ensure that women have access to affordable, accessibly and timely remedies..."⁽⁴⁹⁾. The present challenge to this is that whilst the recourse exists and is available for women to access for remedies, the current social norms are often inhibitors to the use of such relief⁽⁵⁰⁾. One outstanding example in this context is a recent development in creating new independent family courts in Kuwait. These new courts although in terms of structure and hierarchy offered little difference yet its independence gave women better access⁽⁵¹⁾. Testimonies from women who had to pursue divorce cases within the new courts provide for a new 'atmosphere of understanding and accommodation of women right to seek divorce and their need to get done with the case as soon as possible without the need to feel pressurized or prejudged by people who are processing the documents'⁽⁵²⁾. This change is one very healthy development which came clearly in response to women calls for better legal recourse that could guarantee their equal access free of any sort of pressure, or indeed discrimination, that may hinder the protection of available laws to women rights of divorce and legal consequences⁽⁵³⁾.

An example of a crippled political empowerment, however, is the remaining controversial legal areas resilient to change which include property rights, matrimonial rights and employment. This is essentially in reflection to the state's reservation on the CEDAW. These legal rights remain static in the face of calls for urgent need to change and hence women remain incapable of enjoying some fundamental rights such as right to property, passing nationality to children, equal rights of divorce and marriage and equal employment

(48) International Rule of Law, World justice Project available at <https://worldjusticeproject.org/about-us/overview/what-rule-law> last visited on 01/05/2018.

(49) Articles 2(b) and (c) of CEDAW.

(50) HDR reports 2016 Arab States available at <http://hdr.undp.org/en/2016-report>.

(51) See Family courts law in Kuwait (12/2015) available at <http://www.gcc-legal.org/LawAsPDF.aspx?opt&country=1&LawID=4152> last visited on 01/05/2018.

(52) A brief interview with a women who sought divorce in the newly established family court.

(53) This is the being the case while family law in Kuwait itself is still based on Islamic guidance and sharia. This is an example to how local policies is trying to strike a balance between religious and national heritage and international standards of human rights in this case by ensuring an effective legal recourse for women.

rights. Some Arab states recently repelled discriminatory laws enabling rape perpetrators to escape justice if they would opt for marrying their female victims⁽⁵⁴⁾. The fact nonetheless that these laws still exist in other countries in the region is another evidence of lack of recourse for woman to protect herself against violations and another obstacle in the face of empowering woman social and legal status

Access to courts is a significant matter in the journey of gender equality, the law could pave the way for strengthening woman position in the face of any violations of international standards or national laws, the legal value however of international conventions within the national context is another obstacle that may stand in the face of this legal empowerment. Most of the above-mentioned Arab states admits at least a supra-legislative value over national law⁽⁵⁵⁾ while some recognized an equal legal value of these provisions with the national law. In practice however, it is rare that local courts apply international provisions as the basis for their decisions with regard to woman grievance although they refer to it in occasions.⁽⁵⁶⁾

Notwithstanding this reality of legal evolution and structural ambition, economic empowerment within its development context has been promoted essentially through an international development agenda and external initiatives that have addressed women and their economic needs within the Arab world⁽⁵⁷⁾. These initiatives despite bureaucratic process, still have had easier access and acceptance in the society so long they do not carry big missions like law change and call for a subsequent social change in favor

(54) In each of Tunisia, Lebanon and Jordan; article 227 from the Tunisian Penal code, articles 340 and 96 from Jordanian Penal code and article 562 from the Lebanese penal Code see <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/61250/60936/F1198127290/TUN-61250.pdf> see also IPs Report Geneva 2017 'Gender Equality and Women's Empowerment in the Arab Region: Where Do We Stand?' available at <http://www.ipsnews.net/2017/09/gender-equality-womens-empowerment-arab-region-stand/> last visited on 01/05/2018.

(55) Tunisia and Morocco see OECD report 2017 The Women's Economic Empowerment in Selected MENA Countries - The Impact of Legal Frameworks in Algeria, Egypt, Jordan, Libya, Morocco and Tunisia.

(56) Cases in Jordan seem to have more frequently judicial reasoning reliant on the provisions of the CEDAW.

(57) See for example A Report by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) 'Women's Economic Empowerment in Private Sector Development in the MENA Region Rapid assessment of household-level results' available at <https://www.enterprise-development.org/wp-content/uploads/giz2016-womens-economic-empowerment-in-the-MENA-region.pdf> and 12 initiatives of economic empowerment in the Middle East <https://www.wamda.com/2013/10/initiatives-working-empower-women-middle-east> last visited on 01/05/2018. See also funds by world bank and SDGs funds.

of roles of women⁽⁵⁸⁾. So they seem to work towards their set aims which indeed target women with specific aid, support and group project to improve their current economic reality by providing better chances of work, train them for some jobs, have household job assistance⁽⁵⁹⁾. All of these initiatives did indeed make a difference in the lives of many women in the area, but yet this difference was mostly described as instant and not lasting and it stands yet short of making a shift in the legal framework let alone manifesting as a social norm and expectations⁽⁶⁰⁾. International efforts and funds played an important role in lifting different forms of economic inequalities in the region⁽⁶¹⁾.

This being the case, women's political participation and independent voice remain hindered by social norms and stereotypical preconceptions. For example, despite the above discussed legal changes, emerging new structures do not seem to have succeeded in lifting social regard of women's role and capacity⁽⁶²⁾. This is complex when economic empowerment by international initiatives seem to have helped in improving the living conditions of some groups with huge fund and support⁽⁶³⁾. This reality is further multi layered, where a woman could use financial funds by international initiative and this initiatives achieve its set goals of support and empowerment but yet legal and political role of women remain hostage to social norms and expectations. Hence, international economic initiatives for women empowerment often

(58) UN Women, Report October 2016, "The Business Case for Women's Economic Empowerment in the Arab States Region" available at <http://www2.unwomen.org/-/media/field%20office%20arab%20states/attachments/2016/business%20case%20report%20en%202016.pdf?la=en&vs=215>.

(59) A Report by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) 'Women's Economic Empowerment in Private Sector Development in the MENA Region Rapid assessment of household-level results' available at <https://www.enterprise-development.org/wp-content/uploads/giz2016-womens-economic-empowerment-in-the-MENA-region.pdf> last visited on 01/05/2018 and 12 initiatives of economic empowerment in the Middle East <https://www.wamda.com/2013/10/initiatives-working-empower-women-middle-east>.

(60) Cecilia M.B. Sardenberg, 'Liberal vs Liberating Empowerment: Conceptualising Women's Empowerment from a Latin American Feminist Perspective'. Paper prepared for presentation to the Conference: Reclaiming Feminism – Gender and Neo-Liberalism, Institute of Development Studies (IDS), Brighton, UK, 9-10 July 2007 see also "The Myth of Women's 'Empowerment'" by Rafia Zakaria available on <https://www.nytimes.com/2017/10/05/opinion/the-myth-of-womens-empowerment.html>.

(61) Human Development Report 2016-17, Human Development in the Arab States available at http://www.arabstates.undp.org/content/rbas/en/home/library/huma_development/human-development-report-2016.html last visited on 01/05/2018.

(62) See UN Women, Report October 2016, "The Business Case for Women's Economic Empowerment in the Arab States Region" available at <http://www2.unwomen.org/-/media/field%20office%20arab%20states/attachments/2016/business%20case%20report%20en%202016.pdf?la=en&vs=215> see also HDR report 2016 available at <http://hdr.undp.org/en/2016-report> last visited on 01/05/2018.

(63) See World Bank Group, 2017, SDGs and Progress in the Arab World available at <http://pubdocs.worldbank.org/en/368331494943514647/Revised-Arab-League-presentation-5-12.pdf>.

report on the success of their missions and their ability to help woman improve their reality. Some initiatives argue that they have ‘increased the incomes of the selected women and their families, improved the women’s ability to influence household decision-making, and given them increased voice and confidence⁽⁶⁴⁾. The mechanisms for these changes vary across projects, regions and countries, as well as across household circumstances, providing a poignant reminder of how complex and context-dependent the process of economic empowerment is.’ They argue further that these changes that women have experienced have ‘most likely’ led to a new acceptance of women working and taking part in financing the family and households by their families, husbands and local communities, and ‘supported the upward social mobility of women’. Reports of some of these projects and initiatives of economic empowerment remain tentative in drawing any generalized conclusion over the ultimate state of empowerment.⁽⁶⁵⁾

Conclusion

This paper aimed to provide an initial framework for further focused studies within the area. While it is hard to generalize based on the data currently available it is possible to observe that; No society in the world could claim to be completely free from discrimination against women . All regions face their particular challenges related to the promotion and advancement of women’s rights. Obstacles and challenges which face making robust structure of gender equality a reality cannot be seen as attributable solely to one region. Each region however needs to identify a suitable framework responding to its specific needs.

While the Arab region is hindered with development issues that range between genuine struggles with extremism, poverty access to education and so on, mainstream media and sometimes some international activist depict a stereotypical image of woman that is indeed in disparity with reality. For example, Muslim women are not challenged in their society for religion based reasons, social norms which are in total detachment from Islam are the real cause for most of the socio and political involvement of women in their societies. Arab women do not see Islam as an obstacle in their fight against

(64) A Report by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) ‘Women’s Economic Empowerment in Private Sector Development in the MENA Region Rapid assessment of household-level results’ available at <https://www.enterprise-development.org/wp-content/uploads/giz2016-womens-economic-empowerment-in-the-MENA-region.pdf> last visited on 01/05/2018.

(65) Ibid.

discrimination⁽⁶⁶⁾. On the contrary, their religious background has always guided their efforts and commitments to advance their rights.

Encouraging developments are taking place in the Arab region⁽⁶⁷⁾. These developments show that the promotion and the enhancement of women's rights in the region have gained strong social acceptance within societies. However, without a political and comprehensive legal change the structure that discriminates against women is difficult and complex to dismantle. Economic empowerment and development programs should consider whether they enable women to lift their potential for political mobilization at such level that they can sustain gender equality based on a comprehensive and efficient legal system. It is worth pointing out that there is no quick and easy fix for reality of women in the area. This legal evolution is more about a change of values and the capability of the law in this regard is limited. Considering positive examples such as the case of Kuwait, it is yet essential to remember that affecting such changes in entrenched value system and structures is going hopefully to evolve over generations akin to other social changes responding to adoption and implementation of international legal mechanism

(66) "Women's rights in the Arab region: between myth and reality" panel debate held on 15 September at the United Nations Office in Geneva. Available at <https://www.gchragd.org/en/content/women%E2%80%99s-rights-arab-region-between-myth-and-reality-0> last visited on 01/05/2018.

(67) See supra note no45, Tunisia, Lebanon and Jordan have recently decided to repeal discriminatory laws enabling rape perpetrators to escape justice if they would opt for marrying their female victims. Tunisia has just initiated ground-breaking measures in favour of women. In the national parliaments of Algeria, Tunisia and Iraq, women occupy more than 20% of the proportion of seats for parliamentarians. The United Arab Emirates and Egypt have likewise introduced legislation enabling women to benefit from equal rights and opportunities as their male compatriots. Other countries in the Arab region have likewise taken similar initiatives to advance the status of women. See UN Women Report; Turning Promises Into Action: Gender Equality in the 2030 Agenda for Sustainable Development available at <http://www.unwomen.org/en/digital-library/sdg-report> last visited on 01/05/2018.

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