PD-ABL-301
95031

TECHNICAL ASSISTANCE FOR GENDER ANALYSIS

IN STRATEGIC DEVELOPMENT PROJECTS

WOMEN AND THE LAW IN THE NEAR EAST: LEGAL AND REGULATORY CONSTRAINTS TO WOMEN'S PARTICIPATION IN DEVELOPMENT

September 1993 - February 1995

FINAL REPORT
May 1995

This document is prepared under Cooperative Agreement No. PDC-0100-A-00-1135-00 between the Office of Women in Development of the United States Agency for International Development and the Consortium for International Development, with the University of Arizona as Lead University.

A.I.D. funds provided for the activities described in this report have not been utilized for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference or training in connection with the growth or production in countries other than the United States of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States.

Consortium for International Development
6367 East Tanque Verde, Suite 200
Tucson, Arizona 85715-3832
U.S.A.

ARIZONA
BARA, Anthropology Department
Tucson, Arizona 85721
U.S.A.

TABLE OF CONTENTS

Section I	Introduction by Helen K. Henderson, Project Director, Technical Assistance for Gender Analysis in Strategic Development Projects
Section II	Conference Program List of Participants
Section III	An Address by the Honorable Neziha Mezhoud, Minister of Women and Family Affairs, Tunisia
Section IV	Summary of Research Reports by Amal Kawar Research Reports Egypt — Sawsan El-Messiri Morocco — Farida Bennani Tunisia — Khadija Madani Yemen — Asma Yahya Al-Basha
Section V	General Report on the Proceedings of the Conference by Sarra Chaabouni, UNFT
Section VI	The Tunis Declaration

APPENDIX

A	Scopes of Work Women, Law and Development in the Near East: Differential Access, Constraints and Opportunities Women and the Law in the Near East: Legal and Regulatory Constraints to Women's Participation in Development
B	Research Report by Amal Kawar CID/WID Senior Technical Specialist
C	Research Report by Laura Rice, CID/WID Researcher
D	Research Report by Anna Wurth of the American Institute for Yemeni Studies
E	Trip Reports by Helen Henderson and Kelly Roemer, Amal Kawar and Annette Sherry

WOMEN AND THE LAW IN THE NEAR EAST:

LEGAL AND REGULATORY CONSTRAINTS TO WOMEN'S

PARTICIPATION IN DEVELOPMENT

FINAL REPORT

INTRODUCTION

The project **Women and the Law in the Near East: Legal and Regulatory Constraints to Women's Participation in Development** developed from a scope of work prepared by the Near East Bureau of the Agency for International Development. This project was one of several activities conducted under the Consortium for Internationai Development's Cooperative Agreement with the Agency for International Development, Technical Assistance for Gender Analysis in Strategic Development Projects. Funding for the Near East Project came from the Women in Development Office (G/WID) and the Near East Bureau (ANE/NE) of AID.

When the Scope of Work for the Near East Project was initially prepared, major activities focused on Yemen; for example, a feasibility study was to examine the possibility of establishing women's legal centers in Yemen, and a regional conference was to be held in Sana'a, Yemen. Due to the civil war in Yemen in spring of 1994, however, the conference site was moved to Tunis where the CID/WID Cooperative Agreement had recently completed another project. Time and budget constraints resulted in significant changes to the original Scope of Work. Changes in venue and activities necessitated a contract amendment which was not issued until August 1994, resulting in delays in project implementation.

The revised Scope of Work, prepared by Nagat el Sanabary, WID advisor, Near East Bureau, provided the following background material and objectives for the project:

Constraints to women's participation in and benefits from development activities are both legal and customary. Women's legal status is not necessarily the main obstacle to their participation in social, economic and political systems in the Near Eastern Countries. In most instances de facto, rather than de jure discrimination against women in education, employment and other matters is the main problem. For instance, despite a woman's rights to inherit and own property in her own right, and to sign legal documents, women are often deprived of their property rights and not allowed to enter into contractual agreement without the consent of a male family member. There are also many instances where the laws discriminate against women and limit their access to resources. Hence this activity will assess the extent to which the laws affect women's opportunities in education, employment and participation in government.

The objectives of this research and public information activity were: a) to examine the laws affecting women in selected Near Eastern countries; b) to highlight the legal challenges facing Near Eastern women as compared to men; c) to enhance women's legal awareness; d) to achieve better understanding of the legal and other constraints on Near Eastern women's participation in socio-economic and political development; and e) to identify the various organizations--indigenous and foreign--addressing women's legal status in the Near Eastern region.

Areas of support included a research component consisting of library/field studies of the laws and enforcement processes affecting women in the family, education, economy and political systems of Yemen, Tunisia, Morocco, and Egypt. For each of the four countries, the research component included both a survey of organizations involved in research, education, or activism related to women's legal status in the Near East region, and a brief, critical bibliography on issues

of women and the law.

To disseminate and assess the research findings, women professionals from the Near East were invited to participate in a regional conference to be coordinated with national and regional preparations for the United Nations Fourth World Conference on Women to be held in China in 1995.

PLANNING

Research Planning and Implementation

After specific scopes of work had been developed for each research and public information activity, the project recruited researchers in Egypt, Morocco, Tunisia, and Yemen from lists of leading scholars of women and law provided by the Near East Bureau, USAID Missions, and area specialists.

The following researchers were selected: Farida Bennani, Law Professor, Faculté des Sciences Juridiques, Morocco; Sawsan al-Messiri, Social Anthropologist and Development Consultant, Egypt; Khadija Madani, President of the Tunisian Association of Women Jurists, Tunisia; and Asma Yahya al-Basha, General Director for Legal Affairs, Ministry of Planning and Development, Yemen. Each researcher was contracted to prepare a research report, a list of organizations, and a selected bibliography of key documents on women and the law, which she would present at the regional conference.

The reports focused on laws and enforcement processes as they affect women's access to and participation in development. Since legal codes vary from country to country, researchers worked from a research agenda developed by the CID/WID and AID/WID Offices to ensure that the material reviewed and analyzed corresponded to general guidelines for type and content and

5

was relevant to the overall project. Researchers gathered information from a variety of sources, for example, government agencies, women's organizations, legal centers, and universities.

Major issues discussed in position papers for the conference were:

1. Legal and regulatory constraints to women's participation in the labor force: how do gender constraints and opportunities affect women's abilities to participate in the work place?

2. Social restrictions reinforced by traditional law, and the effects of family law on women's access to development opportunities.

3. Political rights of women: what are the major constraints to and opportunities for participation in politics?

4. Education and training.

5. Availability of information on women's legal rights.

Each of the four researchers surveyed organizations involved in research, education or activism related to women's legal status in their country. For each organization they developed profiles, including contact persons, major objectives and accomplishments, and major constraints. The researchers also prepared a bibliography of major works on women and the law available in their countries. The profiles of organizations and the bibliographies were made available at the regional conference.

Prior to the report being translated into English, CID/WID Field Researcher, Amal Kawar (Utah State University) reviewed each researcher's draft report in Arabic. Each of the researchers responded to Kawar's comments.

Conference Planning

Organization of the conference

The planning for the Near East Conference was conducted by the CID/WID team at the University of Arizona, (Helen Henderson, Project Director, Ellen Hansen, Research Associate, and Judy Voss, CID/WID Secretary); Kelly Roemer, Project Management Specialist at CID headquarters in Tucson, and, beginning in October, 1994, in Tunis, with a CID/WID team led by the Conference Coordinator, Laura Rice (Oregon State University), assisted by Annette Sherry (Oregon State University) in collaboration with Mme Feiza Kefi, Mme Radhia Riza and Hanah Ben Youssef (Union National des Femmes Tunisiennes, UNFT). The regional conference was planned to promote dialogue and strategies and to disseminate research findings on the topic of Women and the Law in the Near East, with a strong emphasis on the role of the law in facilitating or constraining women's participation in development.

During the planning phase, regular meetings were held at USAID/Tunis to bring together the individuals involved in conference organization. In addition to having a CID/WID consultant as Conference Coordinator, CID/WID subcontracted with two organizations in Tunisia--UNFT and KRM International--to assist in conference design and logistics. KRM, a private firm directed by M. Karim Hamdy, assisted in the coordination of conference planning and provided Arabic translations of reports and other documents.

In October 1994, the Near East Bureau recommended that all countries in the Near East Region that have a USAID presence be represented at the conference. Invited participants thus came from eight countries: the original four--Yemen, Morocco, Egypt and Tunisia; and four additional countries--Oman, Lebanon, Palestine (Gaza and West Bank), and Jordan. Prior to

attending the conference the delegations from each country met to discuss the research report of their country. Because four countries had not been funded to prepare research reports, they were paired with one of the original countries. Participants met to review the research report of their partner country and discuss its findings in relation to the situation in their own countries.

The Conference on Women and the Law in the Near East: Legal and Regulatory Constraints to Women's Participation in Development

The Women, Law and Development Conference, held in Tunis from December 14 to 17, 1994, was the culmination of project activities.

The conference began informally on the evening of the 13, with a pre-conference meeting attended by the majority of the participants, who reviewed the conference plans and invited participants' input as to the major foci of the workshops to be held on the 15th.

The conference officially opened on the 14th with remarks by Mme Radhia Riza of UNFT and Dr. Nagat el Sanabary of the Near East Bureau. Conference participants then went on site visits to centers engaged in Women in Development issues: C.R.E.D.I.F (Centre de Recherches d'Etudes de Documentation et d'Information sur la femme), Centre Arabe de la Femme, Centre de Formation Agricole Moderne des Jeunes Filles de Moh'mdia, and Centre de Formation de la Jeune Fille de Mamman-lif.

On December 15, the four major research papers were presented in roundtable discussions by the researchers from Yemen, Morocco, Tunisia and Egypt, accompanied by panelists from their own countries and a paired team of researchers who had reviewed the researchers report in light of similarities or differences in their countries. Paired countries were Morocco and Lebanon, Tunisia and Palestine, and Yemen and Jordan. Egypt did not pair with Oman, because the sole

9

Omani participant saw herself as an observer only. In the afternoon there were presentations from CEMAT and Centre Arabe de la Femme.

In the evening of the 15th, a team of researchers, paired country representatives, and Nagat el Sanabary identified four workshop themes: education, employment, personal status law, and political participation of women.

On the fourth day, December 16, a plenary session was held, after which participants held workshops. Following the workshops, the four researchers from Egypt, Morocco, Tunisia, and Yemen, together with Nagat el Sanabary and members of delegations from non-report presenting countries, drafted the Tunis Declaration or Statement, which was to be presented before the entire group for debate and discussion on the 17th.

In the morning of the final day of the conference, December 17, selected participants presented the Tunis Declaration to the conference participants for debate and discussion. The Tunis Declaration underscored the importance of Arabic women's participation in the development of their societies by listing recommendations dealing with personal status laws, economic and professional development, educational policy, and political opportunities and rights. After presentation of the Tunis Declaration, Mme Kefi, President of UNFT, presented closing remarks.

Following the presentation on the 17th, researchers and a subset of delegates again worked through the evening to refine the language of the Declaration to best represent the consensus of the conference.

Final Products

Each researcher's final product consisted of a report on the laws and enforcement processes affecting women in the family, educational, economic and political systems of their country and

a bibliography of relevant materials. Each report was prepared in Arabic and translated into English.

> *Women, Law, and Development in the Near East: Legal and Regulatory Constraints to Women's Participation in Development (Morocco)*, by Professor Farida Bennani. Translated by A. Karim Hamdy.
>
> *Research on Women, Law and Development in Egypt*, by Sawsan El-Messiri. December 1994.
>
> *Women, Law and Development in Tunisia*, by Khadija Madani. December 1994.
>
> *Women and the Law in the Near East: Legal and Regulatory Constraints to Women's Participation in Development: Republic of Yemen*, by Asma Yahya al-Basha.

An additional background report was commissioned for Yemen late in 1994 when the conference was still planned for Yemen. The report, *The Legal Status of Women in Yemen*, (March 1994), was prepared by CID/WID representative, Anna Wurth, and was based on materials drawn from a conference of Yemeni women in Sana'a and from Wurth's research in the Yemeni courts.

CID/WID Researcher Amal Kawar reviewed the reports written by the Host Country Researchers and wrote a summary review titled *Women, Law, and Development in the Near East: Summary Report on Egypt, Morocco, Tunisia, and Yemen* (December 1994), synthesizing and comparing the contents of each of the four reports.

We want to thank officers and members of UNFT, our co-sponsoring organization in Tunis, particularly, Madames Faiza Kefi, Radhia Riza, and Hana Ben Youssef, and of the organizations that hosted the site visits: Center for Arab Women, Director, Ms. Nabila Hamza; National Center for Research, Study, Documentation and Information on Women, Director, Ms. Soukaina Bouraoui; Girls' Farm Training Center in M'hamdia, Director, Ms. Naima Rokbani;

Girls' Training Center in Hammam-Lif, of the Ben Arous Regional Employment Administration (Ms. Khouini). We are grateful to the staff of USAID/Tunisia, especially M. Hassairi who was a member of the conference planning committee, and the USAID officers in the participating countries: Aziza Helmi, Egypt; Waffa Moussa, Morocco; Joyce Davidson and Ferial Sulaili, Yemen; Rebaha Dabbas Nassar and P. Balakrishnan in Jordan; Mark Matthews in Oman; Ghassan Jamous and Sonia Ibrahim Atiyah in Lebanon; and Karen Turner, Gaza and West Bank. Many of these USAID officials went to extraordinary lengths to make it possible for the country participants to travel to the Tunis conference. At the Global Bureau's Women and Development Office, Martin Hewitt, Deputy Director and Rosalie Norem, Senior Social Scientist, provided consistent guidance and the warm collegiality so essential to the success of this complicated activity. Nagat El Sanabary, WID Advisor, Near East Bureau, participated in project planning and took part in the Tunis Conference.

Bob Newman and staff of Lininger Travel, Tucson, Jeff Gallant and staff of Travel Express, Seattle Washington and Ghabboun Ghada of Wadi Tours in Jordan made travel arrangements for conference participants.

SECTION II

Conference Program

List of Participants

CONFERENCE PROGRAM

WOMEN AND THE LAW IN THE NEAR EAST: LEGAL AND REGULATORY CONSTRAINTS TO WOMEN'S PARTICIPATION IN DEVELOPMENT

TUNIS 14-17 DECEMBER 1994

SPONSORED BY:

The United States Agency for International Development (USAID)
The Consortium for International Development (CID)
Women in Development (WID)
National Union of Tunisian Women (UNFT)

Conference Coordinator: Dr. Laura Rice
Logistics: KRM International
15, rue Al-Mutanabbi El-Menzah 1
1004 Tunis, TUNISIA
Tel/Fax: 216-1-233-703
E-mail: KRM@tunisia.eu.net

13

14 December 1994: Site Visit Day

7h30	**Group Breakfast [Large Selmia Room]** **WELCOME AND INTRODUCTIONS** **--Ms. Radhia Riza, VP UNFT** **--Dr. Nagat Al-Sanabari, NEAR EAST BUREAU**
8h45	Departure for site visits
9h00-10h30	**VISIT to the *Center for Arab Women*** **--Director: Ms. Nabila Hamza**
11h00-12h30	**VISIT to the *National Center for Research, Study, Documentation and Information on Women (CREDIF).*** **--Director: Ms. Soukaina Bouraoui**
12h45-13h45	**Lunch** (at hotel)
14h00	Departure from hotel
14h30-15h30	**VISIT to the *Girls' Farm Training Center in M'hamdia*** **--Director: Ms. Naima Rokbani**
16h00-17h30	**VISIT to the *Girls' Training Center in Hammam-Lif*** **--Ben Arous Regional Employment Administration (Ms. Khouini)**
20h00	**Conference Banquet:** ***Résidence Carthage*** ***16, Hannibal Street*** ***Salambo, Tunis***

15 December 1994: Country Report Roundtables

[Abu Nawas Room]

9h00-9h30	**OPENING CEREMONY** **–The Hon. Néziha Mezhoud,** **Minister for Women and Family Affairs**
9h30-10h00	**Coffee Break**
10H00-11H30	**FIRST ROUNDTABLE: EGYPT / OMAN** ***Egyptian Country Report* by Sawsan El-Messiri** ***Response & Comment:* Omani Delegation**
11h45-13h15	**SECOND ROUNDTABLE: MOROCCO / LEBANON** ***Morocco Country Report* by Farida Bennani** ***Response & Comment:* Lebanese Delegation**
13h30-14h45	**Lunch**
15h00-16h30	**THIRD ROUNDTABLE: TUNISIA / PALESTINE** ***Tunisian Country Report* by Khadija Madani** ***Response & Comment:* Palestinian Delegation**
16H45-18H15	**FOURTH ROUNDTABLE: YEMEN / JORDAN** ***Yemeni Country Report* by Asma Al-Basha** ***Response & Comment:* Jordanian Delegation**

15

16 December 1994: Workshops

8h30 - 9h00	**SIGN-UP FOR WORKSHOPS** **[Registration Desk, Abu Nawas Room]** **–Workshop groups are designed to insure balance of size, and country representation.** **–Four workshops take place simultaneously during the morning session.**	
9h00 - 13h00	**MORNING SESSION: WORKSHOPS** **[Abu Nawas Room & Room 202]** **Themes:** **1. The effect of the Code of Personal Status on Women's Participation in Development** **2. Laws affecting Women's Participation in Economic Activity** **3. Constraints preventing Women from Participation in Politics and Decision-Making** **4. Women's Education and its Effect on their Participation in the Economic Field**	
13h30-14h30	**Lunch**	
14:45-16:30	**Plenary Session:**	**Presentation of Workshop Results**
	14h45 - 15h15	**Summary and Comment: Group # 1**
	15h15 - 15h45	**Summary and Comment: Group # 2**
	15h45 - 16h00	**Coffee Break**
	16h00 - 16h30	**Summary and Comment: Group # 3**
	16h30 - 17h00	**Summary and Comment: Group # 4**
	17h00 - 17h15	**Break**

16 December 1994: (Continued)

17 h 15 - 17h45	**PRESENTATION: "Opportunities for Research Linkages with Universities and Other Institutions in the U.S."** **Ms. Jeanne M'rad, Director of the *Center for Maghrebi Studies-Tunis (CEMAT)***
17h45 - 18h15	**PRESENTATION: "Research Networking in the Middle East"** **Ms. Nabila Hamza, Director of the *Center for Arab Women***
19h00-22h00	**WORK DINNER: Committee in charge of writing the first draft of the "Tunis Declaration"** **Chair: Nagat Al Sanabari** **Members: –4 country researchers** **–4 representatives** **(1 each Jordan, Lebanon, Oman, Palestine)**

17 December 1994 Tunis Statement

9h00-12h30	**Participants discuss, amend and approve a "Tunis Declaration: Law and Women's Participation in Development" to be presented at the Beijing Conference in 1995.** ***Key points raised at conference** ***Tools and strategies to influence legal practices and development policy** ***Identification of common ground among the women of the Arab nations represented at the conference**
12H45-13H30	**Banquet Lunch/Formal Closure** **--Mme Kéfi, President, *UNFT***

PARTICIPANTS: "WOMEN AND THE LAW IN THE NEAR EAST"
Tunis, Tunisia, 14-17 December 1994

Name: Sawsan El Messiri
Country: Egypt
Profession: Social Anthropologist, Development Consultant
Address: 52, Musadak St.
Dokki
Cairo, Egypt

Tel.: 202-3-482-376
Fax: 202-3-600-574

Name: Nariman Abd El Kader
Country: Egypt
Profession: Attorney at Law
Address: 41 Nobar St.
Bab El Louk
Cairo, Egypt
Tel.: 202-3-558-080/202-3-557-899 / 202-3-558-515 / 202-3-555-335(h)

Fax: 202-3-549-334

Name: Amina Chemais
Country: Egypt
Profession: Official of UNESCO, Sociology of Law
Address: 2 Sharif Pasha St.
Cairo, Egypt

Tel.: 202-3-305-326
Fax: 202-3-545-296

Name: Nazly El-Sherbiny
Country: Egypt
Profession: Attorney at Law
Address: 62 Republic St.
Cairo, Egypt

Tel.: 202-3-933-755/202-3-911-635
Fax:

Name: Sahar Hafez
Country: Egypt
Profession: Legal Expert, Environmental Law
Address: 6 Naguib Hasham St.
Hiliopolis
Cairo, Egypt
Tel.: 2023-620-467 / 202-3-362-613
Fax:

19

Name: Yassera Ghousheh
Country: Jordan
Profession: Lawyer
Address: P. O. Box 3203
Amman, Jordan

Tel.: 06-626-974
06-623-484(o)
Fax: 06-638-495

Name: Samira Hamoud Khasawneh
Country: Jordan
Profession:
Address: General Federation of Jordanian Women
P.O. Box 850578
Amman, Jordan
Tel.:
Fax: 699-495

Name: Na'ella Rashdan
Country: Jordan
Profession: Senator
Address: National Assembly
P.O. Box 921495
Amman, Jordan

Tel.: 654-326/649-326/643-250(h)
Fax: 612-654

Name: Sonia Ibrahim Atiyah
Country: Lebanon
Profession: Attorney at Law
Address: Assayoufi Garden-Assayoufi
Al -Ashrafiya
P.O. Box 16-6559
Beirut; Lebanon
Tel.:
Fax:

Name: Amal Tabbara Daouk
Country: Lebanon
Profession: Lawyer

Address:	Head of Planning and Development [or]	Amal Mohamed Amine El Daouk
	Spears Street	Ain El Tineh-Center
		Achour
	Beirut, Lebanon	Beirut, Lebanon
Tel.:	353-686 / 346-080	867-863
Fax:	346-812	

Name: Damia Ben Khouya
Country: Morocco
Profession: Educator, Law and Public Administration
Address: Association marocaine des droits des femmes
B.P. 5111 Maârif
20101 Casablanca, Morocco

Tel.: 02-23-72-38
Fax: 02-23-72-38

Name: Ferida Bennani
Country: Morocco
Profession: Law Professor
Address: Faculté des Sciences Juridiques; Economiques et Sociales
256, Assif B 3
B.P. S.4
40000 Marrakech, Morocco
Tel.: 212-4-306-467
Fax: 212-4-391-177

Name: Khadija Bourarach
Country: Morocco
Profession: University Professor
Address: IAV Hassan II
B.P. 6202
Rabat Institut
Rabat, Morocco
Tel.: 212-7-77-45-58 / 202-7-60-16-19

Fax: 212-7-77-58-38

Name: Naima Bouchareb
Country: Morocco
Profession: Graduate Student
Address: 63, rue Kaddi Ayadd
Diour El Yamaa
Rabat, Morocco
Tel.: 212-7-73-71-65

Fax: 212-7-73-71-65

Name: Farida El Khamlichi
Country: Morocco
Profession: Sociologist
Address: 3, Impasse Al-Boustane
Avenue Béni Bennassen
Essouissi, Rabat, Morocco
Tel.: 757-496
Fax: 757-496

Name: Aicha Loukhmas
Country: Morocco
Profession: Lawyer; Union Action Féminine (UAF)
Address: 425 Avenue Hassan II-N° 13
Rabat, Morocco
Tel.: 202-7-72-72-22

Fax: 202-7-72-72-22

Name: Shariffa M. Al Meskary
Country: Oman
Profession: Official, Dept. of Information
Address: Ministry of Development
P.O. Box 881, Postal Code 113
Muscat, Sultanate of Oman
Tel.: 968-604-285 / 593-733(h)
Pager: 968-9-101-084
Fax: 968-698-467

Name: Ebtissam Hassan Salem
Country: Palestine (Gaza)
Profession: Agricultural Engineer
Address: Women's Section,
Palestinian Agricultural Relief Committee
Taha Barakat Building, (next to Palestine Stadium)
Gaza, Gaza Strip
Tel.: 07-86-7178/ 07-86-1867[women's unit]/07-86-2193(h)
Fax: 07-86-7178

Name: Fatima Mokhalalati
Country: Palestine (Gaza)
Profession: Lawyer
Address: Wehda St.
Gaza, Gaza Strip

Tel.: 820336/820551(h)
Fax: 820551

Name: Mervat Rishmawi
Country: West Bank/Palestine
Profession: Al Haq Coordinator, Researcher: Legal and Human Rights
Address: P.O. Box 1413
Ramallah, West Bank
via Israel
Tel.: 972-2-95-6421/95-4046
Fax: 972-2-95-4903
E-mail: haq@baraka.gn.apc.org

Name: Souad Abdennebi
Country: Tunisia
Profession: Director
Address: Ministry of Women's and Family Affairs
Place du Gouvernement
La Kasbah
Tel.: 661-902/263-115

Fax:

Name: Emna Aouij
Country: Tunisia
Profession: Member of Tunisian Parliament
Address: c/o UNFT
56, Boulevard Bab Benat
Tunis, Tunisia
Tel.: 260-178 / 260-181
Fax: 567-131

Name: Fethia Baccouche
Country: Tunisia
Profession: Lawyer, Former Member of Parliament
Address: 2, rue Al-Koufa
Tunis, Tunisia

Tel.: 24-62-09 (?)
Fax:

Name: Wassila Ben Hamda
Country: Tunisia
Profession: Professor of Theology,
Zitouna University
Address: c/o UNFT
56, Boulevard Bab Benat
Tunis, Tunisia

Tel.: 260-178 / 260-181
Fax: 567-131

Name: Radhia Ben Salah
Country: Tunisia
Profession: Director of Studies (Dean)
Address: Higher Institute of Jurisprudence
Tunis, Tunisia

Tel.:
Fax:

73

Name: Khedija El Madani
Country: Tunisia
Profession: Lawyer, President of the Tunisian Assn. of Women Jurists
Address: 19, rue des Tanneurs
Tunis, Tunisia

Tel.: 341-067

Fax: 335-821

Name: Houda Kanoun
Country: Tunisia
Profession: Rassemblement Constitutionnel Démocratique (Ruling Party Official)
Address: La Chambre des députés
Le Bardo
Tunis, Tunisia

Tel.:
Fax:

Name: Aicha Abdul-Aziz
Country: Yemen
Profession: Yemeni Women's Union
Address:

Tel.: 967-1-226-253
Fax:

Name: Asma Al-Basha
Country: Yemen
Profession: General Director for Legal Affairs
Address: Ministry of Planning and Development
Sana'a, Republic of Yemen

Tel.: 967-1-206-415(h)/ 967-1-250-106
Fax: 967-1-251-953

Name: Mahasin Al-Huwati
Country: Yemen
Profession: Journalist, Al Thawrah Newspaper/Director of Research at immigration Agency
Address: P.O. Box 19531
Sana'a, Republic of Yemen
Tel.: 967-1-232-280/2 (o)
Fax: 967-1-251-505
(between 4 and 9 pm)

Name: Nadia Said Al-Khalifi
Country: Yemen
Profession: Lawyer,
Address: Director of Personnel
Ministry of Planning and Development
P.O. Box 175
Sana'a, Republic of Yemen
Tel.: 967-1-250-101/2/3
Fax: 967-1-209-547

Name: Nidal Barakat
Country: Yemen
Profession: Lawyer,
Address: General Director,
Center of Legal Information and Translation
P.O. Box 1296
Sana'a, Yemen

Tel.:

Fax:

Name: Ghinah Haidar Al-Mokdad
Country: Yemen
Profession: Lawyer and Teacher
Address:

Tel.: 243-527

Fax:

25

SECTION III

An Address by the Honorable Dr. Neziha Mezhoud
Minister of Women and Family Affairs, Tunisia

Republic of Tunisia
Prime Ministry
Ministry of Women and Family Affairs

An Address by the Honorable Dr. Neziha Mezhoud
Minister of Women and Family Affairs, Tunisia
to the
Conference on "Women and the Law in the Near East: Legal and Regulatory Constraints toWomen's Participation in Development"

Tunis December 15, 1994

Translated by: **A. Karim Hamdy**

Edited by: **Laura Rice**

It is my pleasure to inaugurate today the program of this conference about a topic that is considered extremely important by our government: that is, the issue of women, the law and development. I would like to welcome all our distinguished guests to Tunisia--your sister nation--and to say that we are greatly honored by your presence among us, and by your participation in enriching the dialogue, which we hope will contribute to establishing new methods for reinforcing cooperation, and developing common Arab programs to promote women and to meet the challenges faced by our countries. I would like also, at the beginning of this address, to thank all those who were instrumental in organizing this conference and who contributed to its preparation, including the National Union of Tunisian Women (UNFT) and in particular the President of UNFT, Mme Faiza Kefi. Actually, it is not surprising that this great institution take the initiative to organize a conference to discuss this matter, for it goes without saying that we, as an Arab family, need to have today a well-defined vision and strategy to implement an ideal mode of participation by Arab women in the development effort--a vision which contributes to satisfying our need for a judicious use of all our human resources and energies, without discrimination or exclusion, so that our Arab Nation occupy its natural position among nations who have promoted their human resources; a vision we will present at the Beijing Conference [scheduled for September 1995].

It is perhaps a happy coincidence that we are talking about women, law and development just a few days after celebrating the Universal Declaration of Human Rights--a Declaration which legally embodied, for the first time in modern history, the principle of "equality between men and women" as a basic human right, and which allows us today to discuss the rights of women. In addition, all the international treaties, conventions, and conferences subsequent to this Declaration stress the willingness of the international community to move from the stage of declaring the acceptance of principles of equality, to the stage of legal commitment on the part of member nations to respect these principles and to work for their implementation in real practice.

So, while your conference today demonstrates that our Arab nations subscribe to the principles of this universal institution, based on promoting human rights and providing the adequate means to achieve sustainable development, it also confirms our continuous striving to instill these common values among us and to support international efforts to disseminate them.

Ladies and Gentlemen,

In spite of the efforts, represented by these international treaties and conventions, to right historical wrongs, we still find that after the passage of two decades--since the cause of women, development and peace was embraced--women remain, in many cases, victims of both blatant and veiled discrimination in most fields of work and aspects of life, suffering from inequality of pay, lack of training, and also scant presence in decision-making positions.

While labor legislation in most Arab countries guarantees women's right to work, albeit in various degrees, and institutes equality between women and men in some fields, the majority of statistics indicate that the participation of Arab working women in the economic realm is still limited in some countries, and marginal in others. In addition, women's participation is concentrated in the agricultural sector and, in the case of their access to the industrial one, it remains limited to unskilled jobs or to jobs that do not require high qualifications. Consequently, because of the continuing existence of this yawning gap between the legislative and legal reality, on the one hand, and the practical everyday reality lived by women in general, and by working women in particular, on the other, the difficult question we have to address today centers around the usefulness of issuing legislation and promulgating laws, if society does not evolve accordingly, and does not accept these concepts. It is all well and good that there are laws, but what counts more is the awareness on the part of society of these laws, especially on the part of women who can then convincingly demand their rights.

29

Ladies and Gentlemen,

While supporting women's role in development has become a common denominator among societies, we should not ignore that dealing with this cause and advocating for it makes specific demands upon us. That is why we, in Tunisia, did not limit our support for women's role in development just to promulgating laws and instituting special provisions, rather we designed adequate plans to preserve the gains in favor of women which have been achieved since independence, and to guarantee positive interaction on the part of the various segments of society with these plans, so that a new mode of behavior is created informing the interactions of all, in the various fields. Thus our government made its policy of promoting women one of the principle goals of economic development and one of the major components of our development strategies for the future.

Consequently, the issue of women and development has been included as a top priority in our next ten-year development plan, and will be addressed according to the democratic course chosen by the government, a course which requires the contribution of all our human resources in the formulation of development policy. And, just as Tunisia was a pioneer in liberating women and in freeing them from the constraints which paralyzed their creative energies, and made them dependent partners in society, and secondary participants in production, so now following the Change of the Seventh of November, the course of events has led to a rebirth of women's creative role, confirming our conviction that human action cannot be productive until it emanates from a free human being, for whom work is a principal factor of human dignity and of full citizenship. These major strategies were summarized in President Ben Ali's address of 15 August 1989 upon the occasion of the first commemoration of National Women's Day, after the Change, when he said: "There is no point in talking about women's rights and freedom without guaranteeing their right to work, a right without which all other rights would remain merely hollow slogans chanted during ceremonies. The right of women to work, rather their duty to do so--in addition to the fact that it is an economic necessity, as is the case for all citizens--is the real guarantee, unmatched

by any other, of women's psychological well-being and of the protection of their rights as citizens, fully endowed with rights and responsibilities." Hence, the care with which the government has tended to women's needs confirms its intent to provide adequate conditions for the solution of a difficult equation which includes the support of women's role in development, and the readiness on the part of society to accept that role. This care and these efforts have led to the elevation of the status of women in the family and in society from a stage of equality with men, to a stage of proactive partnership in social and economic development.

The creative abilities of women were emphasized, and the society was encouraged to value women's contribution. Consequently, women's position in the development effort was reinforced, and their share in the fruits of this develoment was guaranteed. There is no more need today to dwell on justifying the role of Tunisian women in the building of a modern society, and on their participation in the course of development. Indeed, statistical data reveal that this participation is constantly increasing; the proportion of women in the active population in Tunisia progressed from 5.5% in 1956 to 21% today. The improvement, brought about by the Change in its support of women's role in development, has been based on both the quantitative and the qualitative dimensions of this participation. The measures taken increased the number of women participating in development, and increased society's acknowledgement of their specific role in it. These measures have been included in a well-designed master plan based on the following principles:

First: Providing the legal frameworks and adequate mechanisms to guarantee women's presence within governmental and non-governmental structures, in order to allow them to enrich the dialogue, the thinking, and the design of appropriate solutions to facilitate women's participation in the development endeavor;

Second: Providing the foundation for women's participation in the various aspects of life, including education, technical training, health and literacy;

Third: Encouraging women to enter all fields of activity.

Considering the importance of laws and regulations in guaranteeing the rights of women to fulfill their roles in the development effort, and in exercising their social functions, the laws and institutional structures regarding women have been enriched in a dynamic way, responding interactively to social change. For example, the Code of Personal Status has been amended to insure the reinforcement of women's participation in the management of family affairs, just as Labor Law was amended to eliminate all aspects of wage discrimination and work inequities. In addition, adequate measures were taken to help women succeed in coping with the double day of requirements at work and responsibilities at home. A Ministry has been created to deal with women's issues, and a Center for studies, research, documentation and information was founded, to coordinate the various policies and to enrich research and information about women.

Also, for the first time in the history of preparing national development plans, a special committee was created to deal with "the role of women in development." This committee contributed to the design of a global strategy, including programs and practical provisions to support the role of women, and to promote them in all fields. In addition to the benefits achieved by women, and girls in particular, represented by structural reforms of the fields of education, literacy, technical training, employment, health, communication, culture, and sports, Tunisian women have achieved, in a short span of time, a qualitative shift--they now occupy high positions in various productive sectors. This complementarity between programs designed to promote women as a human resource, and programs designed to increase the productive capabilities of women, is reflected in the achievements acquired by women, and in their enhanced position in society. Indeed, the rate of schooling of girls, age six to thirteen, has been raised to 82.5%. The structures of technical training accepting girls have been expanded, both in capacity and in specializations offered. The various programs in health, psychological and social care targeting women have improved the condition of women's health and reduced the death rate in their ranks from 14.4 per 1,000 in 1966 to 5.5 per 1,000 today. We have to add to these achievements all the extension and

awareness programs, and the creation of specialized clinics for the diagnosis of women's illnesses.

In the sector of economic production, women's participation has been reinforced in agriculture. A pilot program in agricultural extension has been set up, targeting rural women, with the goal of helping them to participate more productively and efficiently, to develop their means of production, and to raise their income. Several specialized integrated development programs have been started to improve living conditions in these areas and to provide the basic necessities such as drinking water, adequate housing and various other services, and to include rural women in the economic cycle in these areas.

In addition, major efforts have been made to allow women to obtain agricultural land, and to manage farms, including encouragement of all types of rural women's associations designed for the management of their own institutions and public service infrastructure.

In the industrial sector, the legislation passed has had a positive effect on the employment of women. The last decade has seen the entry of women into various fields of industrial activity.

In the services sector, the number of women workers has increased. And due to the potential for new jobs in this sector, the government has been intent on providing adequate conditions to encourage women to adjust to technological change through continuing education and retraining, so that they can enter new fields such as computers, consulting and other service activities.

Ladies and Gentlemen,

Those are some of the achievements reached by women in Tunisia, which I wanted to share with you today, to illustrate the importance of supporting legislative provisions with sectorial policies, touching on the various aspects of women's lives. However, as much as we are convinced that the government is a principal actor in providing adequate tools for the promotion of women and

for the defense of their rights, we still believe that social awareness about women's roles, and about the need to protect them and to support their status, through everyday practice, is the responsibility of all, each playing a constructive role in it. We are deeply convinced of the complementarity of roles among the various intermingled elements of society insofar as women are concerned. There is a need to reduce discrepancies between the legal status of women and the reality of everyday life. Indeed, a study prepared by the Ministry of Women and Family Affairs has revealed that there are some contradictions related to the role of women in the labor market: while 61% of respondents maintained that women's work is necessary for family income, 58% of them consider that women have taken the place of men at work. Regarding the raising of children, 87% of respondents believe that educated women contribute to the educational success of children, while 56% think that the working woman neglects her children.

Consequently the Ministry has prepared a communication and social education strategy with the goal of changing behavioral patterns and preparing new generations to accept the principle of equality between the sexes and to respect the right to difference. The goal is to inculcate a social behavior which is in harmony with our civic choices.

We consider that associations and organizations, and women's groups in particular, will be one of the main pillars to implement this strategy; for what has been reached so far, in the field of the promotion of women, has been achieved thanks to the combined efforts of the various segments of society, including associations. I have confidence in your ability to enrich the dialogue on this topic, and to contribute to the formulation of an Arab plan of action which will guarantee us success in meeting challenges that we face, and which will reinforce the participation of Arab women and their role in development, leading inevitably to the progress of our societies.

In conclusion, I wish you success in your proceedings.

SECTION IV

Summary of Research Reports by Dr. Amal Kawar

4 Research Reports
Egypt
Morocco
Tunisia
Yemen

WOMEN, LAW, AND DEVELOPMENT IN THE NEAR EAST
SUMMARY REPORT ON EGYPT, MOROCCO, TUNISIA, AND YEMEN

By Amal Kawar
Political Science Department
Utah State University
December 1994

Introduction

The country reports summarized here consist of four papers by scholars from Egypt, Morocco, Tunisia, and Yemen on women, law, and development. These reports are:

1. Sawsan El-Messiri. "Women, Law, and Development in the Near East: Legal and Legislative Obstacles to Women's Participation in Development; Research on Women, Law and Development in Egypt;"

2. Ferida Bennani. "Women, Law, and Development in the Near East: Legal Obstacles to Women's Participation in Development;"

3. Khadija El-Madani. "Women, Law, and Development in Tunis: Legal and Legislative Obstacles to the Participation of Women in Development;"

4. Asma Al-Basha. "Law and Women in the Near East, the Yemeni Republic: Legal and Organizational Obstacles that Prevent Women from Participating in Development."

The objective of these country reports is to provide background and facilitate discussions at the regional conference on Women, Law and Development in the Near East: Differential Access, Constraints and Opportunities, sponsored by the Consortium for International Development\Women in Development Project and held in Tunis, Tunisia in mid-December, 1994.

Specifically, the goal of the country reports is to produce:

a) A study of the laws and enforcement processes affecting women in the family, education, economy, and political systems in each of the countries.

b) A survey of organizations involved in research, education, or activism related to women's legal status in the Near East. This consists of profiles that include contact persons, major objectives, accomplishments, and constraints.

The following summary report reviews the information in the country reports on women's legal rights and focuses on their similarities and differences. The topics reviewed are education, the economy, personal status law, political rights, population, and organizations concerned with women's legal status.

The countries covered in this report consist of one constitutional monarchy, Morocco, and three republics. Their laws are based in constitutional principles, legislative statutes, executive orders, religious laws and rulings, and social and tribal customs. Not all the countries have signed onto international human rights and women's rights conventions (two of the country reports note that they did). Generally, all four countries acknowledge the principle of equality in their constitutions, but their laws are not always non-discriminatory in regards to gender. Overall, the four reports reveal more similarities than differences but there are variations among the countries concerning the advancement of women's legal rights.

Women in Education

A basic problem shared by all four countries is high female illiteracy, especially in rural areas where at least half the people live, and where it is high among both males and

females. Illiteracy is lowest in Tunisia and highest in Yemen, and is almost universal among rural women in Morocco and Yemen. Over the past two decades, there has been a general advance in female literacy, and illiteracy is increasingly becoming a generational problem of the older population.

The main obstacles to literacy are: (a) the tendency, especially in rural areas, toward early marriage of females which forces them to drop out of school; and (b) patriarchal societal attitudes which convey the message that the public sphere belongs to men who are the guardians of women and girls.

Public education is free in all four countries, but there are insufficient schools for girls in some of the more remote rural areas. Moreover, socio-economic norms which require males to be the providers for the family and allocate household duties to females bring about a much higher school drop-out rate for rural girls than rural boys.

There are signs that the educational picture for women is gradually improving. Increasing participation in education is particularly significant in Tunisia, where the age of compulsory education has been raised to 16 years. Also, girls and women are entering secondary schools and universities in greater numbers. Women tend to gravitate to the humanities and social studies rather than the scientific and technical fields, but have entered the medical field in significant numbers.

Women in the Economy

This segment primarily addresses women's employment rights and women's participation in the labor force; it also briefly notes women's rights in banking, especially in the acquisition of loans.

Generally, there are no legal obstacles to women's participation in the labor force, and equality of rights is spelled out in the laws and regulations regarding hiring, pay, and promotion. In addition, each country has a system of social security and pensions that covers both women and men, but overall employees in the public sector fare much better than those in the private sector, where the regulations either do not apply or implementation is lax.

In reality, women are frequently discriminated against in employment due to the pervading sexism in the societies which continues to strongly support traditional gender roles. Traditional social attitudes, widely shared by men and women, allocate women to household duties and child care and men to leadership and provision of economic needs of their families. All four countries have protective legislation which prohibits women from certain jobs considered inappropriate because of physical requirements, danger, or night work.

In all four countries, laws provide for maternity leave and other contingencies, but their application is mainly in the more organized sectors, especially the public sector. Employers sometimes use these laws as excuses for not hiring women, citing high female absenteeism due to childbirth and child care responsibilities. These difficulties are particularly evident for women when they marry and have children. Women carry a double burden as wage workers and mothers, especially since child care facilities are few.

Women's right to work and travel is sometimes restricted under the "obedience law", but those restrictions vary by country. The "obedience law" is based on a certain interpretation of Islamic law that dictates that males are the guardians of females, giving fathers and husbands control of girls and women's mobility and work. Thus in Egypt and Morocco women must secure their father's or husband's permission to travel and work. In

Yemen a presidential order removed the husband's right to control his wife's employment or salary, but to date no enforcement mechanism has been specified. In 1993, Tunisia became the only country among the four to strike down its "obedience law", giving women the full right to work and travel.

While availability and ease of transportation to the workplace are not issues in a less congested country like Tunisia, they are problems in the more congested transportation system in Egypt, with crowded buses and trains providing more opportunities for sexual harassment of women and girls. In Yemen, women in the public sector (through payroll deductions) and in the private sector (through employee subscriptions) are provided with company and office buses and cars to transport them to the workplace. This mechanism, however, is scarcely used by the Yemeni private sector.

All four reports agree that little or no attention is paid to the problem of sexual harassment in the workplace, and hardly any studies have been carried out on this problem in these countries. The authors perceive that women tend to be reluctant to complain, feeling that they would cause trouble and draw unwanted attention to themselves which can tarnish their own reputations.

In terms of fields of employment, women tend to be concentrated in lower paying service jobs in the organized economy. Those who are more educated tend to be in education, medicine, and social work, which are mainly in the public sector. The Tunisian and Egyptian reports note that women form the majority, or a sizable portion, of employees in the fabrics and clothing industries. The Yemeni report notes that the concentration of women in traditional jobs is sometimes supported by the women themselves, who see their

earning power as secondary to the males in the family. Most working women in Egypt, Morocco, and Yemen are found in the unorganized sectors of agriculture and the informal economy.

Societal support of the traditional gender roles has prevented women from certain activities restricted to men, resulting in adversely affecting some women's employment opportunities. For example, having been excluded from the military has meant not enjoying the favoritism in hiring awarded to veterans in some cases and, in the special case of Yemen, women are prevented from participation in qat sessions, where much of the business is carried out.

In regard to reaching high posts in the economy and public administration, women occupy no more than six percent of the highest level jobs and in some places even less. This situation is primarily the result of customary rather than legal exclusion of women. In certain countries, however, women are legally excluded from judicial posts. In Yemen women are prohibited from becoming judges by law but in Egypt, it is by practice--although there is significant pool of eligible Egyptian women who are defense and prosecution attorneys. The exception is Tunisia, where women have become judges and, indeed, there is a dramatic rise there in women judges since 1985 (27.5% of all judges are female).

There are signs that the current movements toward privatization of the economy, in the case of Egypt, and the Islamist movement, throughout the Near East, might adversely affect women's opportunities for employment and their progress in the public sphere. The Egyptian report notes that with economic "openness", private sector employers have

41

sometimes practiced favoritism and hired men over equally qualified women, under the guise that women are less reliable workers.

The Yemeni report notes that the effect of the Islamist movement's support of traditional gender roles is that women are increasingly pressured to abandon the workplace and stay home. Even in more liberal Tunisia, the government has become sensitized to the Islamist movement and has issued a recommendation to its female employees to dress appropriately, interpreted as more conservatively. But in none of the four countries is the veil required by law.

Finally, the segment in the country reports on women and banking was generally rather brief, no doubt because of the lack of data on the subject. In none of the four countries are there legal impediments to women's participation in banking. However, women are generally hampered in their ability to borrow funds by their inability to provide collateral. This is due in part to poverty but also to the tradition of registering property in men's names, a pervasive practice in the rural areas and among the illiterate population. The inability to get loans is especially acute among the poor and female-headed households, who have become, especially in Egypt, a sizable group. Except for a few recent small-scale projects in Egypt, generally there has been little in the form of non-traditional banking programs to enhance women and the poor's ability to get loans.

Women in Personal Status Law

All the countries covered in this summary report are predominantly Muslim, and most of the rules of marriage and divorce are left to the different religious communities and their religious courts. On the one hand, in some aspects of family relations, especially inheritance

rights, the laws conform to Islamic principles. On the other hand, although Islamic jurisprudence rules, there are variations in the laws of the different countries.

Generally, other than in Tunisia where polygamy is prohibited, Muslim men can marry up to four wives. Polygamy, however, is practiced by only a minority of the Muslim population. The law makes it easy for men to divorce, but not for women, whose right is much more restricted unless specified otherwise in the marriage contract. The power to draw up an individualized marriage contract is permitted in Islam, but it is more likely to be utilized by better-off women, who are empowered by their wealth and whose families sometimes feel the need to protect family properties. Also, under Islamic law divorced women have the right to alimony for three months.

Tunisia has the most egalitarian personal status law, using both Islamic and French jurisprudence. In Tunisia, men and women have an equal right to divorce and both must go through divorce court. Tunisia also has a special fund to cover the alimony payment, if the husband does not pay; the government then attempts to make the husband cover its cost. Following divorce, the Tunisian report notes, husbands can control the mobility of a divorced mother who is nursing, even though the mother has custody of the children until they reach the age of seven for sons and nine for daughters.

Under Islamic law, females, including mothers and aunts, have the right to share in the inheritance. The proportions allocated to each heir are described in the law, generally specifying that female heirs receive half that of males. In practice, especially in the rural areas, property goes to males. The Egyptian report notes that a person can distribute her or

his wealth while alive, and that in rich families females often receive an equal portion to that of their brothers.

Under Islamic law, one male witness is equal to two females, but that rule has been dropped in Tunisia. Generally, however, in all the countries those with less education find it difficult to use the courts to gain their rights in matters of marriage and divorce. There are many intricacies in personal status law, and clearly there are several aspects that require change, if women and men are to be legally equal.

Political Rights and Women in Politics

Politics is uniformly considered a male domain and women tend to vote, be nominated, and run for office in much smaller proportions than men (an average of less than ten percent of the national legislators are women).

Large steps in achieving women's political rights are noted in the Egyptian and Yemeni reports. In Egypt women have a long history of participation in liberation struggles dating back to the late 1880s, and many advances were achieved after the 1952 revolution. In South Yemen under the socialist regime, women entered politics in unprecedented numbers, encouraged by the ruling party to participate in both local councils and the state's parliament, the Higher People's Council.

The evidence from all four countries suggests that women need the support of the ruling elites if they are to succeed in crossing the barriers to their political participation. Indeed, women tend to win office when actively backed by the ruling party through nominations to office and appointments in government. For example, in the Tunisian 1994

parliamentary elections half the women nominated by the ruling party won--but none in the opposition parties did.

Ruling elites, however, have tended to give a more verbal than real commitment to women's participation in politics, and women remain a negligible proportion of those in higher elected or appointed office. At the highest ministerial level, there is usually at most one woman, and she is typically given the social affairs or women's and children's affairs portfolios in the government. A few women have reached posts at the sub-ministerial level.

The small number of women in political leadership reflects their relative absence in the various spheres of the civic society. Women constitute a small proportion of the rank and file and the leadership of the political parties in the different countries, regardless of party ideology. Women tend to have a low rate of participation in voting and nominations in professional and labor unions and in political clubs. Also, women are found in small numbers in high positions in the public bureaucracy and in the educational administration.

Women have many social organizations of their own that focus on women's and family needs and charitable causes, but almost all such societies are located in urban areas, inaccessible to the large rural population. Generally, however, social customs and responsibilities at home act to discourage women from pursuing public affairs.

Women and Population

The population issue has traditionally been focused on lowering fertility rates rather than women's and children's health, but there is now a trend toward a wider scope of issues.

In regards to family planning, contraceptives are legal in all four countries, and their use varies from about 50 percent in Egypt and Tunisia to 35 percent in Morocco and 10

percent in Yemen. Only in Tunisia is there a right to abortion (with restrictions after the first trimester). The Moroccan report notes that there is still a tendency in rural areas to have many children so they can help as farm hands.

The Tunisian government is the most active in educating the public in family planning, using the media, mobile clinics, and other programs to reach rural areas. The Yemeni government has a population council, but it appears to be least active at the grassroots level, lacking public educational programs on family planning especially in the isolated rural areas.

The Egyptian report lists some of the difficulties in implementing population policies, such as inadequate resources for health education and lack of communication skills of health workers in dealing with women in the villages. Other social problems are poverty, women's oppression and lower status in the family, and lack of knowledge about good health practices. These problems tend to be acute in rural areas, especially in upper Egypt.

Organizations Concerned with Women's Legal Status

Interest in women's legal rights rose in the late 1980s, as evidenced by the number of new governmental and non-government organizations (NGOs). The four countries vary in the level of governmental support for these organizations, but most appear to have precarious funding, and they depend mainly on outside resources, especially international donors. Eleven NGOs were listed in Egypt, sixteen in Morocco (but only seven of those provided the information requested by the author), six government-affiliated organizations and NGOs in Tunisia, and seven in Yemen that are almost all supported by the government (an additional five international agencies also operate there).

Organizations concerned with women's and human rights include societies dedicated to women's rights and development, committees on women within general professional and labor unions and universities, and organizations working on human rights in general. Their typical activities include lectures and forums. Sometimes women's issues are addressed in the media in the form of weekly columns or women's corners, but media attention varies from being fairly active in Egypt and Tunis to a rather low coverage in Yemen.

Organizations concerned with women's rights tend to focus more on educational and developmental activities rather than being involved in direct lobbying or grassroots activism to change the legal status of women. Furthermore, most of the groups seem to have a small popular base and a limited presence in the rural areas. The Moroccan report mentions one brave attempt at popular mobilization in 1992. A Moroccan women's group attempted to gather a million signatures to liberalize the Moroccan personal status law, but the project was abandoned after facing serious opposition from the Islamist movement and after a fatwa was issued against it, basically branding it as anti-Islamic.

Conclusion

1. Generally the constitutions of the four countries support equality of rights and prohibit discrimination, but they do not always specifically mention the principle of gender equality. Matters of personal status are ruled by the principles of Islamic jurisprudence, though the details of the laws vary in each country.

2. In regards to participation in education and employment, many problems remain but some advances have been achieved. Women suffer much more than men from illiteracy, but at the same time they are entering schools and universities in increasing numbers. In regard

to employment, women remain largely outside the formal economy, and those who are employed, especially those married with children, lack the support needed to enhance their economic development. Women are mainly active in the traditional service-oriented fields such as teaching, social work, and nursing and medicine. In industry women are concentrated in the fabrics and clothing industries.

3. In public policy, the four countries vary in their commitment to gender equality, but have recently made changes in laws against gender discrimination. Many areas of legal inequality still exist, however. Very importantly, the chasm between law and practice is great largely due to the persistence of traditional gender roles among the ruling elites and the population in general.

4. Very few women have attained high political and governmental positions. The scarcity of women in political leadership is partly due to the pervasive view that politics belongs to men and also to the lack of serious commitment on the part of political elites.

5. Since the mid-1980s and the International Women's Decade conferences, interest in women's legal rights has increased. This is evident in new public policies and the rise of new NGOs. Funding, both governmental and private, remains limited, however, and this is especially of concern to the recently-formed NGOs who promise to provide the backbone of women's struggle for their rights. Women, especially those who are uneducated, tend to be ignorant of their rights, and programs that attempt to remedy this problem are needed.

Finally, in terms of the availability of information and research, the four country reports reveal that education and employment seem to be the most researched, as shown in the bibliographies of the country reports. In contrast, sexual harassment and violence against women and children remain essentially unaddressed in the literature.

WOMEN AND THE LAW IN THE NEAR EAST: LEGAL AND REGULATORY CONSTRAINTS TO WOMEN'S PARTICIPATION IN DEVELOPMENT

Research on Women, Law and Development in Egypt

Sawsan El-Messiri

December, 1994

49

ACKNOWLEDGMENT

This publication was made possible through support provided by the Office of Women in Development, Bureau for Global Programs, Field Support and Research, and the Egypt Mission of the United States Agency for International Development, under Cooperative Agreement no. PDC-0100-A-00-1135-00.

A.I.D. funds provided for the activities described in this report have not been utilized for any testing or breeding feasibility study, variety improvement or consultancy, publication, conference or training in connection with the growth or production in countries other than the United States of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States.

This research paper is the outcome of the efforts of several people. Tahani El-Gebaly contributed to the topic of political participation and legal awareness; Sahar Hafez contributed to the topic of work and assisted in the revision of the whole report; Amina Chemais and Amira Bahey El-Din contributed to the topic of family law. Also, all of the Egyptian participants in the conference: Nazli Ahmed El-Sherbini, Tahani El-Gebaly, Sahar Hafez, Amina Chemais, Tayseer Mandour, Nariman Abdel Kader were kind enough to read the draft paper and give their comments. I also wish to thank Salma Salah and Dalya El-Said for assisting in the compilation of the bibliography. Finally, my thanks to Manal Abaza and Dina Osman for their efforts in typing and processing the paper.

Sawsan El-Messiri.

TABLE OF CONTENTS

	Page
INTRODUCTION	1
A) LEGAL AND REGULATORY CONSTRAINTS TO WOMEN'S PARTICIPATION IN THE LABOR FORCE	3
B) SOCIAL RESTRICTIONS REINFORCED BY TRADITIONAL	14
C) POLITICAL RIGHTS OF WOMEN	18
D) EDUCATION AND TRAINING	25
E) POPULATION ISSUES RELATED TO WOMEN'S ACCESS TO RESOURCES AND SERVICES	31
F) AVAILABILITY OF INFORMATION ON WOMEN'S LEGAL RIGHTS	39
CONCLUSION	43
BIBLIOGRAPHY	44

51

WOMEN, LAW AND DEVELOPMENT IN EGYPT

The objective of this research is to examine the laws affecting women's opportunities of participating in development. It is divided into six main topics:

1) Regularly and legal constraints on women's participation in the labor force.
2) Social constraints reinforced by tradition (personal and family affairs).
3) Political rights of women
4) Education and training
5) Population issues related to women's access to resources and services.
6) Availability of information on women's legal rights.

The following introduction explains the method followed in treating these topics.

Introduction:

The active participation of women is required in all fields, whether they are the achievement of country development, or contribution to world peace and prosperity. The status of women is affected by the development pattern adopted and the relevant political and economic structures. An independent development strategy, which takes into consideration issues of equality, democracy and social justice improves the status of women. It increases their participation in development by the laws that guarantee equal and effective application to all members of society.

There is a clear correlation between women's status and development strategies. A better status for women is an indication of the success of development plans. On the other hand, improved development plans increase the opportunities of women's active participation.

The status of women depends on the characteristics, circumstances and culture of a society. Problems and issues regarding the status of women and the constraints on women's participation in development vary from one society to another. Consequently, there is no single strategy that could be applied to all societies. In this paper we shall refer to the status of Egyptian women and to what extent their participation in development is affected by the laws applied.

Women, Law and Development:

Article 40 of the Egyptian constitution stipulates that "all citizens are equal before the law without any discrimination", Article 10 states "the state secures for women fulfillment of their families' obligations, their work 'in society' and equality with men in political, social and economic fields". Legislative discrimination still prevails despite the presence of this basic principle in the Egyptian constitution, the emphasis on the value of justice and equality and that all Egyptians are equal before the law without discrimination on the basis of religion, creed, color or sex, etc., .
In emphasizing these rights the Egyptian constitution refers to other regulatory laws. Such reference undermines constitutional provisions and weakens the concept of real equality between sexes.

Many regulatory legislation and their applications reflect discrimination, inequality and the non recognition of women as human beings with rights and obligations, thus rendering them incapable of real participation in comprehensive development. This is evident from the inequality of opportunities in the fields of labor and education and the lack of participation in political life, law making and decision making whether at the personal, family or community levels. Consequently there could be no actual participation of women in decision making at the communal level (public domain) unless they can assert their autonomy at the personal and family levels (private domain).

It is certain that there is a correlation between public and private domains regarding the legal status of women, each affecting and being affected by the other. The more restricted a woman's rights in her private life, such as decision making at the personal or family levels and the more discrimination and inequality she suffers in her own private domain, the more her rights in the public domain are directly affected. Both private and public domains complement each other. Nevertheless, we find that Egypt's reservations on certain articles of the International Convention on the Prevention and Elimination of all forms of Discrimination against women were concerned mainly with the private domain (personal and family).

Classification of main topics:

The main topics in this research are analyzed from the perspective of the kind of relationship that exists between Women, Law and Development, (development being the common factor).

As far as the main topics treated are concerned, we believe that there are certain legal and regulatory assumptions which imply discrimination against women and affect their participation in development. Following are these topics:-

1- In some topics it is possible to trace the relationship between women and law and the direct impact on women's participation in development such as in the topics of political participation, labor and education i.e. (public domain).
2- Other topics indirectly related to women's participation in developmentare the (personal and family law). Since research workers have not dealt with this relation, it was not possible to trace it in a comprehensive manner.
3- Topics constituting main obstacles impeding women's participation in development such as illiteracy and social constraints dictated by customs and traditions.
   Consequently the effect of education, customs and traditions on political and economic opportunities will be emphasized within the regulatory and legal constraints restricting women's participation in the labor force and political life.
4- Population issues restricting women's' access to resources and services.
   Population issues have been emphasized, underlining the importance of recognizing the reproductive rights of women as a human right. Such issues have indirect but strong effects.

A- LEGAL AND REGULATORY CONSTRAINTS TO WOMEN'S PARTICIPATION IN THE LABOR FORCE

Introduction:

An examination of the legal status of Egyptian women in employment and how legislation affects women's participation in the process of comprehensive development dictates some basic premises:
The problems of women's employment can not be treated independently of men's employment issues since employment is a general social phenomenon.

1- Women constitute half of society and a focal point in comprehensive development.
2- Women's problem does not lie in the availability of labor opportunities since they work everywhere and full-time.
3- Statistics on the female labor force are not representative, since they are mainly based on a restricted definition of paid permanent organized labor, thus disregarding a lot of seasonal, part-time and unorganized labor and domestic activities in rural and urban areas., and these informal sectors do not enjoy any legal protection.
4- The policy of economic liberalization and structural adjustment individual marginalization has led to the marginalization of Egyptian women by excluding them from the labor market where they have no legal guarantees for this right.

Legislation and equal rights in employment

Equal Rights in international conventions:

Seeking to achieve full equality between the sexes, article II of The Convention on the Elimination of all Forms of Discrimination against Women stipulates that " The state adopt necessary measures to eliminate discrimination against women in the field of labor to guarantee them equal rights as men, particularly the right to work as an inalienable right to everyone, the right to enjoy the same employment opportunities, the right to choose the profession, work, promotion, job security and all the advantages and conditions of service, the right to equal pay and treatment for the same work, as well as the right to health protection and safety of working conditions.

Women's Right to equality in the field of labor in the Egyptian constitution:

The constitution provides for equality in all the field of labor.
Article 14 , "All citizens have a right to public office"
Article 40 further states that "All citizens are equal before the law without discrimination"
Article 13 stipulates that "All individuals have a right to work"

In all these rights there is no allowance for discrimination on the basis of sex. The Egyptian constitution considers motherhood as a social function that should recognized and appreciated .

Article 10 stipulates that "The state provides protection for mother and child".
Article 11 stipulates that "The state secures for women fulfillment of their family and work obligations, as well as equality with men in political, social, cultural and economic fields".

Women's right to equality in the field of labor in regulatory legislation:

All Egyptian labor laws provide for the equality and protection of women in all fields of labor. This applies to all females, be they Egyptians or foreigners, married, unmarried or minors.

They provide for the protection of women from hazardous work and right work and the right to maternity leaves and other rights stipulated by international conventions, as spelled out in articles 151, 154 and 156 on mother and child care and article 158 on the provision of nurseries at the work place.

Constraints and restrictions are found in application and not in the provisions themselves. Some research workers believe that certain legislation are discriminatory and legally inadequate. Such are some provisions of article 153 of the labor law

prohibiting the employment of women in certain jobs requiring considerable muscular effort, thus harmful to the health of women and not men.

Other provisions prohibit the employment of women in right work which maybe physically or morally harmful in strenuous labor. The concept of hazardous labor and the prohibition of women's employment therein maybe interpreted as an obstacle to equality.

Article 159 of the same law makes an exception of agricultural work, where no legal guarantees or labor rights are provided for. This applies to the informal sector in both rural and urban areas. The majority of people employed in this group are women and thus we find that there is legal discrimination in such legislation's, which should be remedied. There are legal constraints that undermine the realization of equality stipulated by the law. The law is therefore self contradictory, as it prohibits ascertain jobs for women such as legislative and religions posts, a discrimination based on sex.

Any justification, even if it is protection, would be tantamount to legal prohibition and discrimination regarding the principles of human rights. Article 72 of act 48 for 1978 permits women to work part-time in return for partial salary, but it makes this right facultative and not compulsory. Thus, the female worker may decide what suits her needs best. In such a case the worker may pay her full contribution to social security on the basis of a full pay, and the period in question would be included in calculating her service.

This law in fact, deprives women of their chances of promotion and accession to key posts. It consolidates the view supporting women's return to the household as a solution to the unemployment problem while society is calling for comprehensive development.

This viewpoint is further supported by the draft unified labor act which implies discrimination against women by undermining their rights.

Article 92 of the said draft act does not recognize the right to maternity leave except after 10 months of service. It reduces from 3 to 2 the number of maternity leaves or unpaid leaves for the purpose of infant care to which a working woman is entitled. This is viewed by the legislation as a solution to the population problem.(Hafiz, 1994)

The problem of women's employment-Reality and law:

Despite the fact that legislation grants Egyptian women equality regarding the right to work yet application is a different matter, there is a considerable gap between law and reality regarding the status of women in the field of labor.

Egyptian women have been working for thousands of years, they constitute 50.7% of all agricultural workers (1990 statistics). Their economic contribution to the formal

sector amounts to 35.4%, furthermore, 22% of Egyptian families are supported by a female head of the family (Nawar, 1994). Furthermore, there is the unpaid labor which is overlooked by all statistics despite the fact that it is not limited to household chores, childbearing, production and marketing of home made products. It includes field labor, fetching water, caring after the children and sometimes helping with their lessons, because of the inefficiency of the schooling they get.

Yet, there are those who depreciate the value of women's work and call for their return to the home, attributing many social problems such as unemployment, overcrowded transportation and the deteriorating standard of production to women's employment, although women themselves are a victim to these problems. Official statistics published in 1986 indicate that women's participation in the labor force has increased from 7% in 1976 to 11.6% in 1986; whereas the average economic activity of men is estimated at 70.5%. A labor survey on the basis of samples indicates that economic participation of both sexes is estimated at 35.4% for women and 64.6% for men (official 1990 statistics).

According to the same survey, women constitute 29.5% of the government sector, 13.1% of the public sector and 39.3% in the private sector. In the formal sector, women are concentrated in the non productive service sector where 56% of the economically active women are employed (Ramsis, 1990). Rarely do women reach the key posts in this sector. In the industrial sector women constitute 13% according to the 1988 census while a survey on employment places the figure at 21.4%. In this sector, women work mainly in the garment industry, constituting 50% of all women employed in industry. Since women mostly work in non supervisory manual labor, their average pay is less than that of their male counterparts for the same number of working hours.

In the industrial sector, the average wages of women are 75% those of men; in the processing industries they are 74%; in the mining and quarries industries, they are 73% and in communications, transportation and storage they are 80% (Ramiz, 1990). In leading posts, the percentage of women managers has increased from 1% in 1990 to 2% in 1976, to decrease once more to 1% in 1986.

Facts indicate that in rural areas, Egyptian women constitute a significant productive force in agriculture, especially in areas where men (husbands) migrate to urban areas or to oil-rich Arab countries. Nevertheless, official statistics estimate women's participation at 2.7% to 5.7%. A survey on employment indicates that women's economic contribution in agriculture amounts to 50.7%, compared to 49.3% in the case of men. According to the same survey, women's unpaid contribution amounts to 70.7% (Mansour, 1994).

The unemployment rate increased from 7.7% in 1976, to 14.7% in 1986, on the basis of 10% for men, and 25% for women. Most unemployed women were university high school graduates of 1983 and 1984, and new to the labor market.

The rate of unemployment among women will undoubtedly increase with the privatization of the Egyptian economy within the framework of the economic reform policy. The business sector will evade the employment of women to avoid the social cost of their labor, thus undermining the principle of equal opportunities for the sexes.

Despite the fact that the rate of women providers in Egypt has increased to about 22%, they do not enjoy any privileges that would enable them to take remunerative jobs in keeping with the burden they bear (Handousa, 1994).

In the informal sector, which is gaining grounds in Egypt comprising the vast majority of working women, particularly the poorer ones, in both rural and urban areas, women are deprived of freedom of association and legal protection. They do not enjoy any of the workers' rights such as leaves, fixed working hours, social security, health care, and fixed wages. Since most are illiterate, they are not qualified to manage their own affairs and often turn to their husbands or a middle man to sell what they produce, and are often exploited.

A study on the economic contribution of rural women showed that they participated actively in field work, giving it priority over house-work during agricultural seasons requiring intensive labor. It further indicated that rural women worked the longest hours in the family, working for an average of 16 19 hours per day (Cookery ,1994). What aggravates the situation of women in the agricultural sector is their weak position in terms of land, ownership as a result of the inheritance system and the reluctance of cooperative societies to grant them credit for the purchase of land.

Moreover, training methods and concepts ignore women in agriculture. Although the majority of women work in agriculture, development plans and policies drawn by the state do not take female labor into consideration. Statistics and plans reflect a lack of seriousness and a backward outlook on women's participation in the field.

Gender-related Constraints affecting Women's ability to contribute to Labor:

The lack of supporting services that enable women to bear the double burden of worker and wife/ mother, as well as transportation problems from and to the work place, lead some women to confuse work with the difficulties it entails. They end up by giving up their right to work. In a field study on the services available in official establishments as stipulated by labor laws, the majority of women questioned indicated that their establishments had no nurseries. Only 18.5% indicated the existence of such facilities in the work place in urban areas, and 11% in rural areas. Responding to a question about whether the employers provided transportation facilities, 24.7% of the women in urban areas and 7% of those in rural areas responded positively. Consequently, the vast majority of women find great difficulty in going to their work due to overcrowded public transportation and costly private transport (Zalouk, 1990).

- A social upbringing based on division of labor according to gender influences a woman's awareness of her social right to work, and her role in production and development. Unlike men, she does not consider work as an essential part of her life, but rather as an exception to the rule.
- The prevailing conservative mentality prevents a man from sharing domestic responsibilities with his wife. Similarly, the reactionary trends common in Egypt today, calling for women's return to the home have a negative effect on the thinking of many women.
- Insufficient education and training opportunities for women reduce their ability to enter the labor market and compete successfully.
- The private sector avoids the employment of women; employers in small sized workshops exploit them, deprive them of their legal rights and terminate their employment in cases of marriage or child bearing. Furthermore, they are employed for short terms with temporary contracts, which deprives them of the practical professional experience which is an asset in the labor market.
- The productive structure is weak, due to limited investment in the commodity sector and its inability to absorb the increasing labor force. Instead of seeking radical solutions to the unemployment problem on the basis of economic policies, solutions are sought at the expense of women (Baz, 1994).

Constraints on Women's access to certain positions:

We deal in this part mainly with restrictions imposed on women's right to occupy the position of judge. In fact, they are not just constraints but unwritten restrictions supported by neither constitution nor law. The Egyptian constitution states that

"access to public posts is a right of all citizens". Similarly, laws and regulations of legal and juridical authorities do not specify male gender as a pre-requisite for employment. In theory, legal provisions accept the employment of women judges. Certain regulations allow for increasing the number of employees by appointing qualified registered lawyers. It is noteworthy, that the term lawyer, according to present regulations in force covers male and female lawyers without any discrimination.

Thus, theoretically speaking, women could be appointed as judges through this increase of employees by appointing lawyers regardless of their gender (Bahey El Din, 1989).

Nevertheless, women are not employed as judges. This maybe the reason why women are employed at the administrative tribunal and not the juridical authority nor the council of state, since the professional hierarchy ends with posts entailing court sentences and legal judgments. It is essential to indicate here that this restriction on the appointment of women has no legal basis, but is based on customs derived from religious inference, i.e.; "In Islam, women should not rule" "Women are deficient in brain and religion" or derived from certain sayings such as "Women are controlled by their whims" and "Women are emotional by nature" etc.

This is clearly manifested in the reasons given for rejecting applications of women to the post of district attorney, the first step in the juridical hierarchy. The term "incomplete" is cited as the reason, without further justification. It is noteworthy that in certain Arab countries (Tunisia, Iraq, Libya, Sudan, Morocco and some Islamic countries (Iran, Pakistan and others) women are appointed as judges on the basis of the existing laws depending on more tolerant interpretations of religious texts, and on the fact that there are no clear Koranic verses prohibiting the appointment of women as judges, and by analogy on the basis of historical precedents under the rule of Caliph Omar Ibn El Khattab (Bahey El Din, 1989).

Harassment at work-Legal and Unofficial Means of Dealing with the Problem:

Harassment at work is one of the most sensitive issues and there are scarcely any studies on the subject. In a survey on women's employment and in reply to a question whether they were exposed to harassment at work, about 19% of the women surveyed in urban areas and 7.3% in rural areas replied positively. By classifying such harassment it was found that maltreatment by a male boss constituted 41.7%. This was

followed by maltreatment by the public which accounted for 32.8%. Then came sexual harassment and discrimination against women. Other problems were lack of transportation facilities, having to leave the children unattended at home, housework and finally requesting favors unrelated to work (Zalouk, 1990).

This classification shows that women are exposed to considerable harassment, and while the rate is relatively insignificant, it may not represent reality because of the delicacy of the subject and the refusal of women to discuss it.

Egyptian legislation and in particular the penal code and the labor law, have not dealt with the problem of harassment to which women are exposed at work. Consequently, such legislation does not provide for special protection of women in this respect. The absence of specific reference to such problems lead to the application of general rules and provisions on penal measures applicable in case of harassment in general, whether it amounts to molestation and violation of modesty or whether it is minor harassment.

Furthermore, labor laws have not included such acts among those justifying dismissal from work as compared, for example, with aggressing a superior or a colleague at work, which according to certain conditions stipulated by law allow for the dismissal of the aggressor. It is noteworthy that harassment of women by their colleagues or superiors at work may fall under other forms of aggression against an employee at work, provided the same conditions specified by the law are fulfilled (Bahey El Din, 1989). Society still tends to consider the harassed woman as the culprit, having led to such behavior whether by virtue of her attitude, dress or behavior. Such an attitude prevents women from reporting harassment for fear of these unjust accusations. The scarcity of research done in this field makes it difficult to determine the size of the problem. The Egyptian feminist movement has not included this problem on its agenda or plans, which has impeded the adoption of any realistic or informal measures to handle the problem.

Easy Access to a retired Spouse's Pension and Social Securities:

According to the Egyptian law, a widow has the right to her husband's pension whether he had retired or not as long as she was still his legal wife at the time of his death whether she was employed or not or whether she had any source of income. This does not apply to women married on the basis of an unregistered contract. According to the law, such a widow would not be entitled to her deceased husband's

pension. The same applies to a women who had married a man over sixty, regardless of the duration of their marriage before his decease. The law entitles a divorced woman to the pension of her deceased former husband, if certain legal conditions are fulfilled such as the specified duration of the marriage, etc.

In actual reality, a divorced woman has to go through lengthy complicated red tape before being able to cash her pension. Such procedures deprive women of their source of income, for long periods following the spouse's death, thus constituting a problem requiring effective legal treatment.

It is noteworthy that Egyptian law does not entitle a working woman's husband to get her pension after her death unless he is incapable of earning a living. This is viewed by some as legal discrimination against women, for a woman who pays her subscription to social security throughout her working years is deprived of the value of such subscriptions during her lifetime and deprived of the possibility of helping her husband later. Opposition to this legal provision is based on the claim that it confirms the common misconception that women are not responsible for sharing the family expenses. These are values which are not observed in reality, although society does not admit this fact, giving men undue credit in this respect. Depriving a working woman of the opportunity to contribute to the family expenses after her death only serves to confirm these false misleading values (Bahey El Din, 1989).

Disparity between Men and Women in Work Opportunities, Salaries Recreation and Training:

Although women enjoy equality by virtue of the law, there is a clear disparity in appointment, promotion, salary, kind of work, access to higher posts, travel and training opportunities. Such disparity is evident in varying degrees between rural and urban areas. A survey conducted by the central organ for statistics in 1988 indicated that 9% of the women surveyed in urban areas and 11% in rural areas referred to different kinds of disparity between men and women in work.

The most significant disparity was in respect of the type of work given to women. In rural areas, it was in respect of salary. The survey also disclosed that there was discrimination against women in government circles regarding travel abroad and in access to higher positions (Zealous, 1990).

The rate of women in leading posts in the business sector is small, 1-3% while in the public sector it is 12% (Sheriff, 1994).

More than 50% of all women workers are not promoted to key posts before the age of 55. This indicates that promotion opportunities for women in higher posts comes only at the end of their professional career.

Consequently, the rate of those who reach the post of director general in all ministries is 10%, while none reach the post of first under secretary, and 2.8% that of under secretary(Central Organ for Statistics, 1993). Similarly, there is a disparity in salary between men and women, particularly in the agricultural sector. In a case study of 10 families in Dakahleya governorate, we find that the average daily wages of an agricultural worker is 6.19 L.E. for the male and 4.68 L.E. for the female (Statistics Department, Ministry of Agriculture, 1994). Wage disparity at the national level is even more significant. The average daily wages of male agricultural workers is 5.83 L.E., while the figure is 3.25 L.E. in the case of females (Ministry of Agriculture, 1993).

Easy Access to Credits and Banking:

Women have the right to obtain bank loans, mortgages and other forms of financial credit. Article 13 B of the Convention on the Elimination of all Forms of Discrimination against Women states that the state parties to the convention should adopt all appropriate measures to eliminate discrimination against women in economic and social fields in order to ensure for them the same rights as men, particularly the right to obtain bank loans, mortgages and other forms of financial credit.

The aggravating problem of poverty in Egypt shows that 20-30% of the population, or 33.8% of the families live below the poverty line. Recent statistics and studies reveal the gravity of the problem facing women, showing that the rate of women responsible for families because of the absence or incapacity of the husband or provider is 22-25%. This sizable segment of women had been ignored due to the predominant belief that providing for the family was mainly the man's responsibility, entitling him to be responsible for major family decisions. The policies adopted by the state in the first phase of the economic reform process affected the limited income group in general and women in particular. During the phase of structural adjustment, women's employment opportunities in the formal sector diminish. This is due to the preference

given to employing men in such circumstances leading to the phenomenon of the "feminization of poverty" (Ayoub, 1994).
Helping women to set up small scale projects to overcome the problem of poverty and unemployment provides the best opportunities for women to work and participate in the economic life considering their cultural, social and economic conditions (taking into account the fact that the rate of female illiteracy is 62.5% as compared to 37.3% for males). This requires providing them with suitable funding opportunities and adequate education and training to develop their marketing and managerial skills to run the projects.

Following are some efforts to provide opportunities for obtaining bank credits. The ministry of social affairs was the first government authority to provide financial training and marketing assistance to limited income families in general, with the purpose of raising the economic standard of the family. Its programs include rural programs for managing cottage and rural industries, and the project of productive families comprising rural and urban areas in Egypt, giving priority to women. The Social Nasser Bank project began later to offer soft loans at low interest rates to both men and women alike. The problem facing women in dealing with banks is the inability to provide any guarantees such as real estate ownership which facilitate the procurement of loans.

Furthermore, banks demand that the women be guaranteed by a male employee, which constitutes a serious difficulty for women and reveals inequality of treatment. The experiment of the social development fund began under the economic reform policies. The fund provides loans to male and female graduates alike for their small scale projects. This is effected through various outlets such as banks, non governmental organizations and businessmen associations, although the fund experiment is still in its early stages and has not yet been assessed. Economic reform policies revealed the need for cooperation with NGO's and national associations because of their greater flexibility. Donors were interested in financing small scale projects by giving grants to national associations concerned with women. There have been several attempts in this field. One of these was done by the "Association for Women's Promotion and Development", which laid down a special credit program for loans in order to reach a specific target group, women providers.

Official banks experimented with granting loans for small projects. Among the pioneers in this field were the National Bank for Development and the Agricultural Credit and Development Bank. Moreover, the two banks have adopted new patterns

applied by informal credit systems, NGO's, and credit associations for the poor. These include reaching out to customers in their local communities, while seeking to attract the poorer groups and to facilitate the borrowing and guarantee procedures.

Freedom of Work - related Travel:

In Egypt, the law does not give working women any special guarantees that permit them to travel at any time - particularly if this travel is related to their work or occupation. The absence of special provisions on a specific problem, make the general rules applicable in all cases. Consequently, working women are subject to the same procedures and rules governing the right of women to travel, whether in getting a passport, securing the husband's approval to have a passport issued, or the manner in which such approval is exercised or withheld, regardless of the effect such procedures may have on the women's professional future.

It is noteworthy that a wife has to have her husband's approval for getting a passport. This approval is effective as long as the passport is valid, and should be renewed with the renewal of the passport. Moreover, the husband may withdraw his approval, while the passport is still valid and inform the authorities of his position. The authorities would automatically prevent the woman from travel, regardless of the reason for travel.

Imposing certain types of dress, such as the veil, as a condition for employment:

No research has been conducted on such constraints and discrimination discriminating against women. Recent trends have appeared on a limited basis, within some private schools and financial banks which impose certain conditions for the employment of women, such as the veil on the basis that is a specification for religiously-oriented service.

B. SOCIAL RESTRICTIONS REINFORCED BY TRADITIONAL LAW

Introduction:

There is a clear, solid, and intricate relationship between family laws and social customs and traditions. Despite the common belief that these laws are based on religious texts with various interpretations and juridical references, the fact remains

that the text of these laws is dictated by social values. It is these very social values that influence the selection of schools of Islamic jurisprudence on which the law and its texts are based. The closer the selected interpretations are to the essence of these values and traditions, the closer the legal text is to religious interpretations, and vice versa.

In fact, the real power dominating these laws lies in the social values emanating from traditions, customs and mores.

Society - as a moral entity - selects the Islamic legal provisions that emphasize women's inferiority and subordinate position with the purpose of stronger domination over women. It sometimes even disregards the provisions of Islamic Law in order to support, consolidate, and perpetuate certain prevailing values. It is conventions, customs, and social values based on increasing discrimination against women that prevail and predominate, thus affecting women's status accordingly.

While some claim that certain provisions of Islamic Law discriminate between men and women, leading to greater rights and powers for men, the actual application of these provisions proves that the dividing gap of gender discrimination is deeper and bigger than the texts imply.

1) Constraints Related to the marriage Contract:

- The wife right to leave the house is subject to the husband's permission or bound by conditions stipulated by the law.
- The wife's right to work -even if it is laid down in the marriage contract- is restricted by the family interest if the husband objects.
- The wife's right to travel is subject to the husband's approval.
- The husband is the lawful guardian of the property of his children as minors, and has the right to exercise control,- positively or negatively- while the wife has no such right, and cannot participate- even positively- in favor of her underage children except by bestowal.
- The wife's right to spell out her right to divorce herself is impeded by the women's ignorance of this right, and the persistent misrepresentation of this right by the media .
- The wife's right to set down as condition in the marriage contract that the husband should not remarry is impeded by the women's ignorance of this right.

- Notification of obedience and the husband's right to move his wife into another residence with the pretext of his change of work and the housing problem.
- Notification of obedience is often resorted to by the husband as a way out of paying alimony, leads to the wife becoming preoccupied with proving her obedience to the husband, or the unsuitability of the residence place according to the legal conditions.

2) *Constraints Related to the Woman's Right to Divorce:*

a) Unilateral Divorce

The man's right to divorce his wife unilaterally for no reason and at any time makes her feel always insecure, which affects her participation as worker, wife and mother.

This has an effect on:-

- Recognition of the offspring and resulting paternally problems.
- Rights related to inheritance, such as depriving the divorced women and her children from the husband's inheritance, which affects the woman's private and public life, thus indirectly affecting her development.

b) Court Divorce

- Insufficiency of legal provisions granting women the right to divorce. have led to the difficulty of obtaining divorce, thus driving the wife to demand divorce for reasons other than the real ones.
- Difficulty for the wife of providing sufficient evidence as stipulated by provisions, in terms of witnesses and specifications of damage suffered.
- Legal texts on divorce and the judge's authority to exercise discretion in assessing the reasons justifying divorce, which result in contradictory court sentences.
- Effect of the "obedience" claim on the court sentence in the divorce case. despite their being two separate claims.

3)Constraints Related to Inheritance.

According to provisions of Islamic Law, the rule governing inheritance accords a male double the share of a female. Nevertheless, the social application of this rule varies

with the social class and community. While the law stipulates the same rule, conservative and rural communities, particularly where ownership is limited to agricultural land, deprive women of inheritance entirely. This is based on social grounds, namely to preserve family property against fragmentation and loss to outsiders, including the daughter's husband and offspring. This powerful social rule supersedes provisions of Islamic Law, entirely depriving women of inheritance, thereby aggravating discrimination against them. Discrimination becomes double fold, based on the legal texts and their application. In contrast to this attitude the urban wealthy classes apply the same legal provisions differently. They accord female members equal shares as males particularly in financial and landed property. They seek to circumvent the literal application of Islamic legal provisions, either by transferring ownership during their lifetime through sales or grants, or by procedures extending after their decease, such as exercising their right to operate a will within the limit of one third of the inheritance.

Such contradicting applications of the same Islamic rule reveals that the application varies according to the dictates of social values and customs, without abiding by the religious rule to the letter.

4)Financial Independence of Women:

Rules on the financial independence of women, and the man's obligation to support his wife and children without any participation by the woman, even if she is wealthy and he is poor. These two Islamic rules which compliment one another, are not actually applied in reality. Women cannot even abide by these rules and demand the enforcement of their provisions despite their undisputed religious legality. Men, supported by prevailing social values, consider women as their own property together with anything they possess. Society would not accept that a woman refrain, on the bases of these rules, from helping her husband with the expenses, particularly if she works or has an income. Such a woman would be accused of ingratitude, disloyalty and other socially abhorrent names (Bahey El-Din, 1993). This pressure forces women to disobey these Islamic legal rules and accept society's violation of them.

It is interesting that society sees nothing in disobeying these clear religious rulings and provisions, while it advocates women's acceptance of other provisions such as men hitting their wives and such as polygamy. Such are the Islamic legal provisions that men demand women to accept on the basis of religion and that disobeying them would

be, in their view, disobeying religion. These examples reveal that it is social values, customs, and traditions, that dominate and control society and not the law or religious rules.

Certain legal texts, basing themselves on Islamic schools of jurisprudence and Islamic juridical interpretations, assert discrimination against women. Furthermore, the enforcement and application of the same texts in court aggravates matters and increases the gap between the status of men and women.

It is noteworthy that society still rejects the idea of including conditions in the marriage contract organizing relations between man and wife during and after the marriage period. Such rejection is based less on religious reasons than on social concepts and values hostile to development. Furthermore, it is practically very difficult for the couple to add any conditions or clauses to the current form of the marriage contract, which leaves no space to add such conditions. Several studies have emphasized the importance of changing the marriage contract form, pointing out that the change would not be in contraction to the concept of the contract in Islamic jurisprudence (Chemais, 1987; El Oteify, 1994).

Judges do not only deal with legal texts, but adapt them to their social convictions which are influenced by custom, tradition, and social values. The physical absence of the female element from legislative, executive, and court arenas consolidates and serves the prevailing culture and social value system which affects the status of women in society.

C. POLITICAL RIGHTS OF WOMEN

The concept of women's political rights has developed with the development of concepts in human society. It is no longer limited to the recognition of the legal right to work and exercise political rights of voting and being elected, but includes the concept of broader participation in public life, thus integrating women in development, decision making, and the general state policy - with its political, social-, economic, and cultural aspects.

Consequently, the political involvement of women has come to mean their direct right to participate in all social structures - parties, trade unions, associations, professional

societies, and pressure groups, such as legislation, execution, opposition, or supervision of policies adopted in various fields (El Gibaly, 1994; Gomaa, 1994). Such a comprehensive concept of political rights leaves no grounds for selectivity or discrimination between men and women. Political rights have become an integrated set of international criteria and rights recognized by international conventions and charters and which cannot possibly be overlooked. Among the most significant of these instruments is the Convention on the Elimination of all Forms of Discrimination against Women, which in its article 7 commits the states parties to the convention to adopt appropriate measures to eliminate discrimination against women in public and political life.

The problem of the political participation of Egyptian women could be examined in detail from several angles:

I. Historical background and legal facts on the political participation of women in domestic legislation and international conventions to which Egypt is signatory:

A review of the feminist struggle in Egypt reveals an early involvement of women in the Orabi Revolution of 1882, when women participated in demonstrations (Issa. 1989). Nevertheless, the charter of the Orabi Revolution did not refer to women's rights or a serious comprehensive examination of the issue of women's emancipation. Naturally, when the Orabi Revolution failed, the revolutionary fervor of women subsided and they returned to their homes. Thus, women's participation during that phase was characterized with "usefulness."

During the 1919 Revolution, there was a large scale participation of women in strikes, demonstrations, organized boycott of the occupation forces, and delivering addresses and orations in conventions. Such participation comprised women of various classes - wealthy, popular, peasant, and working classes, who were martyred by English bullets: Shafika Mohammed, Hamdeya Khalil from Gamaleya and Sayeda Hassan, Fahima Riyadh and Aisha Omar (Lotfi El-Sayyed, 1972).

The participation of Egyptian women in the 1919 revolution led to their involvement with the national issue of achieving independence and democracy, but they were not as actively involved nor as deeply concerned with attaining their own political and social emancipation. This is confirmed by the fact that the 1923 constitution did not comprise women's political rights. The most significant achievement of the feminist

movement that year was the founding of the first Egyptian Feminist Union headed by Hoda Sha'rawy. Militant participation increased within the students' and workers' committee and its sub-committees in 1946, which contributed to mobilizing the country to achieve evacuation and democracy (Expert Meeting on Arab Women and Social Variables, 1993).

Egyptian women gained their political rights after the 1952 revolution. A dramatic event took place on 12 March 1954, when 9 pioneers of the feminist movement went on a hunger strike at the Press Syndicate demanding political rights. In Alexandria, three other women - one of whom was a commoner -joined the hunger strike, and a memorandum was submitted to Gamal Abdel Nasser, leader of the revolution. The Constitution of 1956 granted women their full rights. Although the 1952 Revolution sought to give men and women equal rights, and granted women constitutional political rights, yet women's inscription on voter's lists remained optional, with voting becoming compulsory only when the name was registered. The Feminist Union was abolished, and women's participation was affected through political organizations during the revolution.

While the public life witnessed an increasing rate of women in the labor force, and women's participation in elections and voting, such participation remained on a very limited scale. In the 1957 elections the number of women voters did not exceed 150,000 women compared to 5.6 million men. The figure was almost doubled in 1965, reaching 250,000, and jumped to over a million after the first elections conducted following the 1967 war. The figure continued to increase until it reached 3.8 million out of a total electoral colleague of 22 millions, which is still a modest rate. The number of female parliamentary members remained limited. In 1968 there were six female members, and in 1979 the government passed an Act, allocating 30 seats to women, bringing the number to 37. This provision was abolished by the Supreme Constitutional Court in 1986, on the grounds that it contradicted the principle of equality engendered in the Constitution. But there were divergent views on the question of allocating to women a certain percentage of seats in popular and legislative councils. Some considered this as a turning back from the principle of equality, believing that it was essential for women to wage the struggle for political participation on the basis of their equal obligations as citizens. Others felt that it was necessary to guarantee female representation by allocating a certain percentage, as a transitional measure helping women overcome the historical and social constraints that impeded their political participation.

These transitional measures are in conformity with the provisions of the International Convention on the Elimination of all Forms of Discrimination Against Women, adopted by the United Nations in 1979 and ratified by Egypt in 1981.

In 1948, Egypt adhered to and ratified the Universal Declaration of Human Rights; in 1952, the Convention on Women's Public Rights; in 1960 and in 1966 the two International Convention on Economic, Social, and Cultural Rights. It is worth noting that when the system of allocated seats was abolished, the number of women candidates throughout Egypt dropped to 42 out of 2676, of whom 7 were elected and 3 were appointed, thus reducing the rate to 2% of all assembly members.

II. Political participation of women in parties, civil associations, universities, and legal and legislative bodies (sector of justice) and their role in government research indicates that:

- Female presence in party leaderships is marginal. El-Wafd Party 2%, the Nasserite Arab Democratic Party 2 out of 72 members of the general secretariat, the National Union Convention 3 out of 64, and the Labor Party 2 out of 90.
- Female membership of political parties is modest in general. This may be due to limited popular participation in the party movement and activities, because of restrictions on democracy, political activities, lack of confidence, violation of the human rights and freedoms of the political opposition, which has had a negative effect on women's participation.
- Women participate in indigenous societies traditionally concerned with philanthropic activities and solving development problems, not changing the development patterns.
- As for women's organizations, some party unions base themselves on party politics and directives; often depending on joint action with limited effect (Nakkash, 1993). Women's activities in the ruling national party are mostly bureaucratic in nature.
- In trade union activities, women's participation is very limited particularly in exercising the right to vote and run for election, which does not exceed 14.5%. Studies indicate that the rate of women is far less than men in clubs, unions, cooperatives, and public establishments, in addition to the People's and Consultative Assemblies.
- In the sectors of justice and law, women have been working as lawyers since 1933. There are approximately 12 thousand female lawyers out of a total of 150,000. Although the figure may seem impressive, it constitutes a very small minority.

Women are employed in the administrative tribunal and the State Case Board, but are totally absent from posts in the courts of justice.

Women have not yet secured the right to the position of judge despite the fact that they constitute no less than 50% of the teaching staff in 13 Law Colleges. The feminist movement is constantly demanding women's access to the court bench (El-Gebaly, 1994). Although the constitution and the law stipulate non-discrimination in appointment, promotion and salary in public offices, things are different in actual application. Structural adjustment policies together with "economic reform" and the relevant policies have led to the appearance of news trends endangering women's rights, particularly in the field of labor. Such trends advocate limiting women's productive labor with the pretext that it causes increased unemployment among youth. They call for women's return to the home.

What worsened the matter was the emergence of the politic-religious current calling for the control of women's labor and political participation, prompted by a reactionary vision based on erroneous interpretations of Islamic law, while studies of the position of Islamic law vis-à-vis women's exercising their political rights conclude that the correct Islamic prospective grants women full rights in that respect. Consequently, women have not reached a reasonable rate in decision- making positions, and have not acceded to the posts of president of the house of Parliament,. Prime Minister, Party President or University Rector. Figures remain to be misleading, aimed only at giving a modern image of the state. There is contradiction between the status of Egyptian women. their struggle, and acquired rights, and their effective participation.

This problem has led some research workers to consider the positions women have reached as a kind of ornament not based on a strategic plan for achieving real participation of women, if not an actual turn back from gains already achieved. Following are the most important indicators revealing women's role in government:

- Increased rate of women working in the government sector; the total number of women workers in 1993 reached 1.1 million constituting 30.4% of the total employees as compared to 104.4 thousand constituting 15.3% in 1980.
- Increased rate of women at the top managerial level in the government sector from 2.8% in 1981 to 13% in 1993.
- Women occupy 20[illegible] posts of professors and equivalent posts in universities and scientific institutions constituting 25.3% of all these posts; and 2184 assistant professors and the equivalent constituting 30.5%. Nevertheless, the rate of female

13

heads of departments, college deans or sectors is extremely limited. There are a 122 in the diplomatic and consular services, including the post of ambassador.

- Women constitute from 1 to 3% of the top managerial positions in the business sector despite the fact that they constitute 12% of those working in the said sector. Of those holding high academic degrees in 1991-92 women constitute 38% in faculties of Arts and Letters and 35% in Science.
- Research tends to overlook the rate of women working in the informal sector.

This is not taken into consideration in assessing women's contribution to the GNP, which affects the assessment of women's economic contribution, which should be taken into account within the framework of political participation (Al Sheriff, 1994). Women's contribution is more positive in non governmental organizations; for national organizations in general and women's organizations in particular try to play a positive role in serving women's issues, despite constraints and obstacles facing them such as the legal obstacles created by Act 32 for 1964 on national associations, as well as financial and administrative obstacles that require a redefinition of the concept of national action and that of activities of women's associations. There is a growing pattern of voluntary non governmental organizations working in the field of environment and human rights. They play a positive, yet limited role compared to their counterparts abroad. Nevertheless, they constitute pressure groups on decision makers. They seek through indirect informative means to limit reactionary attitudes towards women whether in the religious fundamental or political current in general (Egyptian Enlightenment. The New Call, Egyptian Women Lawyers Society for Rights and Development (being established) The New Women's Center, Center for Supporting the Rights of Egyptian Women Voters(being established), and others).

III. Main constraints impeding women's participation in the political field:

a) General community related factors :

- Prevailing value systems and concepts which do not encourage women to participate positively, satisfied with their traditional role as wives and mothers.
- Lack of interest on the part of political organizations and parties in introducing female elements to key positions according to a strategic plan to strengthen and deeper their participation.

- Collective disinterest of men and women in exercising voting and election rights due to problems related to exercising democracy, public freedoms and to be tampering with general elections particularly in rural areas and exploiting the votes of poor women for the purpose.

A recent research has revealed that the majority of subjects investigated had no confidence in or conviction of the efficacy of parties or the integrity of the elections process, in addition to obstacle sand constraints on non governmental activity (Gomaa, 1994).

Political participation of women comprises women in the political opposition in various currents (religious, Nasserite Marxist current). It reveals experience in clandestine and overt political militant activities. Several works have been published on the experience of prison and detention of some feminist elements (El Nakkash, El Ghazal and Kazem, 1993). Women have played important roles in the regulatory and intellectual framework of these political currents. Such presence is still evident in these political currents, whether those enjoying legality within party pluralism or those not yet legalized but exercising an active role in the political movement.

- Absence of strong pressure groups in male and female circles to support and consolidate women's participation and the lack of a comprehensive political,social, economic and cultural communal plan to achieve this or lay down scientific basis for it.
- Women's role in rural and poorer areas and in informal sectors, where women constitute the overwhelming majority and where they are only used without actually participating in drawing the policies or making the relevant decisions.
- State responsibility for women's image in education and information media and the lack of firm measures to end hostile attitudes to women's participation, with the pretext that this contradicts women's social role as wife/mother, in addition to responsibility for social education in intermediary institutions (school-sporting club), where there is educational discrimination adversely affecting women's self confidence and consequently their participation in public work.

75

b) Specific factors related to women themselves:

- Prevalence of illiteracy and ignorance among the majority of women (59.2% according to 1990 statistics) which effects the efficient participation of women. It is noteworthy that female illiteracy is exploited in forging elections.
- Influence of customs & traditions on broad sectors of women who refrain from exercising any public, social or political role believing that political activity is a man's responsibility and would undermine women's femininity.

Social education emphasizes this view confirming the belief that the basic role for women. A field study on the political awareness of rural women indicates that women are brought up to fulfill certain social roles where the private domain constitute their field of influence. On the other hand, men are brought up to believe that their main role is in the public or political domain and consequently the role a man exercises should be related to this domain (El Magazy, 1993).

Furthermore, some use religious beliefs to support these concepts and family pressure to prevent women's participation in public life.

- Women's preoccupation with daily problems resulting from economic and financial difficulties and her belief that public work would not solve these problems (Gomaa, 1994).

D. EDUCATION AND TRAINING

Introduction:

Education is a basic factor in women's participation in development, which has an impact on all fields. According to Aly Mubarak, education is not just the ability to read and write; nor is it school buildings, equipment, and students. It is a comprehensive social development process which promotes education in order to develop society from outdated patterns into new modes of thinking, behavior, and customs (Ammar, 1979). Hamed Ammar believes that learning the skills of reading and writing ids the key of knowledge, that using these capacities opens wider scopes and broader horizons in life, helping to benefit from available work opportunities and to acquire better social, material, or moral status (Ammar, 1992).

With this comprehensive meaning, education becomes a means of empowering man to change and develop society, thus being a source of power for him, a symbol of division of labor, and a means of achieving social distinction. Equal opportunities in education thus becomes a democratic rule for the satisfaction of educational requirements, and a human right.

There is wide spread agreement that education plays a central role in the realization of sustainable development through human capital formation, and leads to the expansion of human capabilities (see UNDP, Human Development Report, 1993). Many see women's education as key to both national-development and women's capabilities. There is a strong correlation between education and economic factors and demographic factors. The World Fertility Survey found a correlation between the number and health of children.

Progress achieved in education contributes significantly to limit fertility, mobility and mortality rates, as well as the improvement of the quality of life among the working population and encourages true democracy.

There is a correlation between education and socio-demographic changes. There is a close and complex relation between education and marriage age, fertility, mortality, social dynamism and activities. Better education for women improves their potentials, delays and marriage age and reduces family size. Better education for mothers means a longer life span for the children. Education and training of youth prepares them for the future, including professional life. Discerning between the educational and productive systems leads to the unemployment of graduates and the depreciation of academic qualification. In certain cases it even leads to the migration of the qualifies persons. Therefore, it is necessary to adapt the educational and training systems with the economic and social, particularly in terms of labor and employment to the needs (International Conference on Population and Development - Cairo, September 1994).

The right to education according to the constitution and law:

Article 10 of the international convention stipulates that the states party to the convention should adapt all necessary measures to eliminate discrimination against women in the field of education, whether in legal provisions or actual application. Article 18 of the 1971 Egyptian constitution stipulates that "education is a right provided by the state, and that primary education is compulsory." Article 20 stipulates that "education is free in all levels in state owned educational institutions." This

reveals that the Egyptian constitution did not discriminate between males and females in the field of education.

The law provides for total equality in all fields. Consequently, all legislation aim at the accessibility of high level education for all, giving special priority to primary education, eradication of illiteracy, the discrepancy between sexes in the access to education.

The issues of the status of education for women (social constraints):

Women's right to education and their equality with men guaranteed by international convents and local legislation is hindered by several factors as customs and traditions which undermine the status of women and minimize the importance of their education and contribution to labor force and their role in community development.

This is manifested in the low enrollment of girls in the various levels of education and an increase in the rate of dropouts resulting in higher illiteracy rate. This is more evident in rural areas, villages and hamlets in particular, where customs and traditions are stronger and more firm and gender discrimination is most evident where as a male man has a higher status whereas women as females are inferior.

Enrollment ratios have risen dramatically to near-universal primary enrollment. Furthermore, enrollment figures show steady progress in reducing gender disparities, although substantial regional disparities exist (Ministry of Education, 1992-93). The proportion of female enrollees at the primary, preparatory and secondary levels stands at 45% for 1992/93, with 35% at the university level.

Egyptian women have higher educational aspirations for their children, particularly in relation to their own levels of education. 77% of women want their sons to complete university and 65% want their daughters to complete university education (Ismail, 1992). Those in urban areas are more likely to aspire for a university education for their sons (90%) and daughters (84%) than are those in rural areas (68% for sons and 51% for daughters). Although middle and upper class urban parents universally send their children to school, lower class urban and rural parents do not (Rugh, 1985; Khafagy, 1990). It is among the lower class in urban areas where the most significant changes in parents' aspirations for their children are occurring. Increasingly, parents send their children to school in order to enhance their qualifications as marriage partners (Rugh, 1985; Loza, 1988).

The education problem of girls isn't limited to failure of enrollment, but also the problem of drop-outs at the primary level. The overall drop-out rates according to the 1992 statistics was 20.1%, 19.76% for males as compared with 20.49% for females which show a higher drop-out rate among girls.

A research on children employed in industrial workshops indicated that the percentage of girls dropping-out as a result of failure did not exceed 18.9% as compared to 52.6% among boys, whereas the percentage of female drop-outs because of economic reasons reached 66% as compared to 43.3% among boys (Azer and Ramzy, 1992). This shows that families are willing to sacrifice the girls' education if they cannot afford it. The girl begins to share in providing for the education of her brothers. Thus, the girl is always the victim of a society that emphasizes discrimination between the sexes, gives priority to males not only in education opportunities and discriminates against females when the need dictated by economic difficulty arises.

On the other hand, rural parents in Upper Egypt have been particularly resistant to the idea of educating their daughters. A study conducted in their region showed that parents express several reasons for not sending their daughters to school. These reasons include:

- Fear that she will gain too much freedom.
- Lack of a birth certificate, which is required for school attendance.
- The need for girls' household labor.
- The preference to invest limited resources in sons' education, which will contribute to the parents' old-age support [since girls become part of their husbands' families. thus they usually don't support their parents] (Khafagy, 1990).

The demand for girls' household labor may be an important actor that affects the enrollment of girls, their persistence in attendance and their academic performance. Also while both sons and daughters have household tasks, the demand for girls' household labor appears to be greater than that of boys.

In university education girls are always concentrated in the theoretical department. The rate of female enrollment in certain departments reaches 50% of male students. These are such departments of fine arts, economics and political science, tourism and hotel management, literature, languages, mass communication, social services and Islamic studies. In the next place are medicine, pharmacy, physiotherapy, and education; while the rate drops considerably in the practical departments, reaching its

lowest in the department of engineering when the rate of female enrollees does not exceed 13.8% according to the latest 1993 statistics (Halouda, 1994). This indicates that girls enroll only in the departments they feel suited to their nature, and explains the lack of significant activities or distinctions in other scientific fields, which is certainly due to their relatively limited numbers as compared to boys.

The effect of education on available work opportunities:

In Egypt, education plays an important role in determining the type and division of work opportunities. Women's educational and training opportunities are fewer than men's due to certain roles and characteristics which they had acquired over time. A distribution of active females (age 10+) according to educational level reveals that in 1976, 36.3% were illiterate and only 9.7% of them could read and write. In other words, 46% of economically active females were illiterate, and only 13.6% were university graduates.

According to 1986 statistics, women working in technical and scientific professions accounted for 28.5% of all those employed in the field. The rate went down to 11.7% in the case of managers, administrators, and business men, which reveals a relation reluctance of women to work in jobs requiring scientific qualification or training as well as decision-making jobs. This is further confirmed by a study which indicates that women in high-level posts (under-secretary, director general) do not exceed 172 in number, and the rate of university staff number is 20.5% (El Masry, 1992), that 62% of female teachers are employed primary schools, as compared to 42.6% of the male teachers. The rate decreases to 29.9% in preparatory and secondary schools, as compared to 46.4% in the case of men. Male engineers account for 94.8%, while females for 5.2% (Zeitoun).

Despite the low salary, a government post is considered most appropriate for women, because it enables them to combine professional and family obligations (Hoodfar, 1993). A reassessment of boys education has encouraged increased education among poor class girls in urban areas (Hoodfar, 1988). Other motivations behind the increasing girls' education is the desire of the low-income parents of urban areas particularly mothers, to provide their daughters with some economic independence and security (CAPMAS & UNICEF, 1992), for such economic independence is an important guarantee against failure in marriage (Hoodfar, 1990; Loza, 1988). Limited educational and training opportunities for women, together with the urgent need to help meet the family needs and help with the expenses, have led many women to work

in the informal sector in urban areas in particular, which requires high technical skills, but relies mainly on muscular and manual abilities. According to a survey conducted in a district of Cairo on women's problems in the informal sector, had never been to school, 12% had dropped-out from primary school, and only 4% had completed their primary education. In other words, most of the sample were illiterate or semi-illiterate (78%). The fact that the government had ceased to employ graduates of intermediate schools and institutes accounted for 14% who had intermediate technical diplomas who could not secure a job opportunity in the government or public sector (series of studies on Arab Women and Development, 1988).

The relation between illiteracy and legal ignorance

According to 1986 statistics, the rate of illiteracy among women increased to 62.2% as compared to the male rate of 37.8%. This increase resulted from the limited enrollment of girls at the basic education level, the high rate of drop-outs at an early age. as well as the inefficiency of literacy programs. According to the latest statistics, female illiteracy was higher in rate than was male illiteracy more than 30 years ago which was 56.6% according to 1960 statistics. This means that women today are worse off and more backward than were men 30 years earlier. The highest illiteracy rates were in the age group above 15 years of age, where the rate of female illiteracy was 59.2% in 1990, as compared to 35.5% for males.

The high rate of female illiteracy is the immediate cause behind the increased illiteracy in Egypt in general, and among females in rural areas in particular. The female illiteracy rate in rural areas is 76.1% as compared to 44.8% in urban areas. This reveals the concentration of educational services in urban areas.

Furthermore, the educational level is closely linked to legal awareness. The lower the educational standard, the more inferior is awareness of the law. It is noteworthy the legal awareness is limited among a large proportion of educated women. Some may believe that legal texts, applications and provisions are removed from problems of everyday life, and that such considerations are the concern of specialists alone. Legal culture and knowledge is most important for a person in order to know his rights and duties. Realizing the importance of legal information and awareness, some indigenous associations and human rights organizations have elaborated programs for the legal education of women. The legal literacy project for women, organized by the League of Arab Women has revealed some important relations between education and legal awareness:

- A limited questionnaire on women's position in family laws has indicated that awareness of these provisions depends on the educational level. The lower the level of education, the more limited is the awareness of such provisions, with the exception of questions related to the residents, alimony, and custody of the children.
- Women's interests and needs for such legal awareness differed with different environments and economic conditions.
- A considerable proportion of women should not only be informed of their legal rights, but such a phase should be proceeded by teaching them to realize that they have legal rights. They should be made to become firmly convinced that they are equal to men, and that both men and women have their roles in life.

E. POPULATION ISSUES RELATED TO WOMEN'S ACCESS TO RESOURCES AND SERVICES

Introduction:

This main topic deals with population issues and women's access to resources and services. The issue of population and women is viewed from the angle of available resources and services in the field of family planning. We believe that this is a narrow angle, that views the population issue as that of a mere increase in the population and family planning as the solution. This has led us to shift our concentration from the proposed consideration of services to the recognition of reproductive rights as a human right, in accordance with the Feminist Union document at the Population Conference.

This would be effective in helping to shift the concern in the population issues and policies from the size of population to reproductive rights within the framework of human rights aiming at the reduction of population growth in order to alleviate poverty. All development activities should include the population issue, emphasizing women's rights as a basis for the population policy, and recognizing women's needs in terms of reproductive health. All forms of pressure on women should be rejected and the concept of family planning should be considered within the broader concept of reproductive health.

We shall examine reproductive rights and all the constraints affecting them.

The Concept of Reproductive Rights:

Studies conducted by national associations have revealed the growing phenomenon of violating the reproductive rights of a considerable portion of Egyptian women on the basis of customs and traditions. Realizing this danger, those concerned with women's rights, health, and emancipation elaborated a set of rights entitled "Women's Reproductive Rights", to serve as reference basis for assessing practices, whether based on custom, tradition or government policies.

Women's reproductive rights are based on the fact that a woman is a human being with equal rights and duties as man. She owns her own body and feelings and has the freedom of choice and action to safeguard this body and protect it against violation of any form and at any age. She has the right to receive integrated health care, and freedom of choice regarding marriage and the number and spacing of pregnancies in agreement with the husband. She is also entitled to safe abortion in case of an unwanted pregnancy for health or psychological considerations within the framework of law and religion. her rights are not limited to the child bearing period, but extend throughout her whole life.

Besides this set of reproductive rights elaborated recently by feminist association in Egypt (Population Conference, 1994), Egypt had in 1980 signed the Convention on the Elimination of all forms of Discrimination against Women, which comprises access to health services.

Article 11, stipulates that the status parties to the convention should
adopt all appropriate measures to eliminate discrimination against women in health care, in order to guarantee her access to health services, included family planning. The

Egyptian constitution considers maternity as a social function that should be looked after in order to produce optimum results.

Article 10 stipulates that "the state provides protection for mother and child".

There are laws regulating the protection of reproductive health, such as the one fixing the legal age for marriage at 16 for females and 18 for males, which we believe provides legal protection of reproductive rights, as early marriage endangers reproductive heath. A law on the punishment of rape was modified, raising the punishment to the death sentence.

On the other hand. laws regulating the population policy and family planning are inadequate, being based on the concept of limiting fertility alone as a solution to the population problem. Furthermore, articles 621-627 of the criminal code on abortion and punishment in contradiction to the current population policy and in violation of reproductive rights.

There are risks entailed in economic transformation and "structural adjustment". Privatization of the health sector on the basis of these policies dramatically limits access of the poorer segments to health care. Consequently, the state is no longer responsible for providing the basic needs, which creates many challenges to the pattern of reproductive rights. There are contradictions between legal systems protecting women and the daily practices based on customs and tradition which may be supported by the state policy.

Population Policy and how it affects Reproductive Rights:

The Egyptian government believes that continued population growth constitutes the main obstacle to economic development (United Nations, 1983). The population policy in Egypt in the sixties, began to control fertility in order to overcome economic problems and the scarcity of resources. Such policies depended on national family planning programs and the promotion of low cost health services. The national program was modified in 1980 to comprise a development aspect of the population problem, recognizing the effects of socio-economic factors as causing increased fertility rate, and seeking to emphasize development and family planning as means of reducing population growth.

In 1984 the national council was established with the purpose of incorporating the population problem in all national programs and policies. Various policies adopted by the state led to a slight decrease in population growth and a regular increase in the use of family planning technique as well as the marriage age; but these politics totally overlooked women's reproductive rights and their general health in all stages of life. These policies gave priority to demographic objectives and made women entity responsible for fertility control. Available statistics on the prevalence of contraceptives, mothers' mortality and unsafe abortion provide evidence for continued prejudice against women in the application of programs. Fertility control and the related political issues whether biological or social are always the responsibility of woman.

International organizations such as UNIFP and donor agencies as the USAID have supported the population policy based on fertility control as a solution for economic and political problems. Consequently, the concern of these organizations with population activities has increased leading to an expansion of internationally funded family planning programs. The feminist movement represented in some national associations concerned with human rights are facing great challenges in applying special patterns on health and reproductive rights. The state's concern with demographic factors, and efforts to control population increase have led to many rapid changes. The rate of population increase in Egypt has been fluctuating the annual rate of increase dropped from 2.2% to 1.9% (from 1960-65), then increased since the mid-seventies.

From 1987 to 1992 the rate tended to decrease from 2.8% to 2.2%(survey on health and population 1993). Similarly, the rate of mortality of children under 5 years of age decreased from 300 to 94 per 1000 during the past 30 years (Rose et. al, 1992). Statistical data indicate that the overall fertility rate in Egypt has decreased from 4.4% during 1985-90 to 3.8% in 1990-93 (World Bank, 1993). With an increase in the use of family planning techniques during the same period from 24% to 38% then 37.5% in the same years successively(Osman and Zenaty, 1989).

There is significant discrepancy between upper Egypt and lower Egypt and between urban and rural areas in terms of total fertility rates and family planning. Statistics further indicate a decrease in marriage rate from 11 per 1000 in 1950 to 8.3 per 1000 in 1992 due to various social and economic reasons including a rise in the average marriage age. Information campaigns in recent years have been successful in

informing and encouraging people on the use of family planning methods. The 1992 health and population survey has proved that 100% of wives are informed of family planning methods, 93% are aware of the source to secure information on services and that 1/3 of those wives had never used family planning before and less than half were using them. Consequently, there is a considerable gap between education and application (National Association Document p.45-46).

Studies have further indicated that Egyptian women have unfulfilled needs, as the average number of children they had exceeded that of the children they desired which indicates the lack of appropriate needs of satisfying their actual requirement.

Maternal health has recently become a basic element in the population policy. Egypt established the National Council for Mother and Child to provide social, economic and health care required for safe motherhood (Mubarak, 1994).

Within the framework of the policy for a safe motherhood laid down by UNICEF for the nineties; Egypt has undertaken the responsibility of providing pre-natal and post-natal care for mothers, and improving their health and nutritional standard in order to reduce maternal mortality. In Egypt only 53% of mothers receive some pre-natal care, despite the fact that immunization services offered by the same health centers provides 90% coverage for children. Some studies reveal the reasons that keep women from seeking help, such as the inferior quality of service, lack of communication with the health workers and their lack of interest to listen. These policies concentrated on child care and the reduction of maternal mortality, overlooking the mothers' reproductive health, women's health in general, or harmful practices as circumcision which is usually performed by midwives without anesthesia or proper hygienic conditions. To support the population policy laws were promulgated to control fertility. The legal minimum age for marriage was set at 16 for girls and 18 for boys, although in application people seek to circumvent the law. There is also the taxation law which exempts contraceptives from taxes, and family planning posters and ads from permit fees. The labor law deprives those who have more than three children from certain privileges, such as free education the right to maternity leave and to nursery service at the work place, etc. (Azer, 1979). The draft unified labor law tends to reduce a women's right to maternity leave from three to two times as a solution to the population problem, which we dealt with in detail under women and labor. Through the state believes that the application of such laws would have an impact on fertility control, it is evident that some of them are in contradiction with women's

reproductive rights, such as the right to space pregnancies, choose the number of children, and receive the health care and services as stipulated by the law.

Obstacles impeding women's access to resources and services:

In Egypt, women play the main role in looking after the health of the family, but they do not find someone to look after their own health. Several factors impede poor women's access to various resources. These include early marriage, frequent pregnancies, high rates of total fertility, limited use of available health services because of their inferior quality, and certain customs and traditions related to the social status of women. These factors lead to the increase of maternal mortality rates in Egypt in general -150-190 per thousand in Giza and Menoufeya, and 205 per thousand in Qena (El Kady, Saleh, Jane, Stanback, Hage, 1989).

a) Women's culture and the prevailing traditions:

There is a clear discrimination in the distribution of health care and food resources among the members of poor families. Boys get more health care than girls, which is reflected in the difference between male and female child mortality (UNICEF). In times of sickness, a boy gets greater attention and care, and is taken to a private doctor, not government health centers (Hoodfar, 1986, Langsten and Hill, 1991, El Mougi and et al., 1991).

Moreover, the part of family income spent on the females' health in rural areas is smaller than the males' share. When she falls ill, a woman usually resorts to folk medicine, popular prescriptions, government hospitals or merely getting medicine from a pharmacy (Lane, 1992).

An official research conducted on a sample of women indicated that they were not as concerned with their own health as with their children's or husbands' (CAPMAS, 1993).

Women's negligence of their health emanates from prevailing social values which favor the culture of silence and endurance, encouraging a woman to place the question of looking after her own health at the bottom of her priority list, giving preference to the demands of other family members. From an early age, females learn to endure the

physical strain and suffering related to the reproductive function. Such suffering is closely linked to fertility, which determines the socio-economic status of rural women in the family and society at large.

The social upbringing of women prepares them for certain tasks and roles. Of these, two basic roles are considered the essence of their existence; the roles of wife and mother (Oakly, 1972). Rarely do rural women with limited resources find the chance to think of their own specific health problems, unless these problems are directly related to these two roles. Consequently, women place all their personal needs, including the food they eat, after the needs of their children, and even of other family members (Case Studies from Egyptian rural areas - Khattab, 1992).

A rural woman's position in the family hierarchy affects her health related behavior. The work burden borne by younger females and their inferior position in the extended family do not allow them to seek medical help when they need it. When they marry, usually at an early age, girls learn to obey the mother -in-law's orders and serve all family without complaining. They are further taught to satisfy all the husbands demands, to be the first to rise and the last to eat or go to bed. If they become sick, they do not realize it nor do they admit it except much later. This guarantees their continued performance of these numerous tasks (Bourgia, 1990; Khattab, 1992).

With advancing age, a women assume new roles, new authority, and their work load is considerably reduced, to be replaced by administrative tasks of managing the family affairs (Khattab, 1981&1992).

Women's lack of knowledge about hygiene and their own health:

Women do not have correct information about hygiene, and lack of the official facilities that enable them to learn the facts about their own health conditions. Case studies have shown that very few of the women suffering diseases of the genital system had discussed their health problems with others for fear of the social stigma and shame it would cause them. Some women do not realize the medical significance of their symptoms, while many depend on traditional remedies recommended by their neighbors (Khattab, 1992).

b) Reasons related to the availability and quality of service

Family planning services are provided as independent services, without enough concern with providing integrated health care for women. Studies on rural communities have shown that women living in poor areas suffer disease and ill health.

Out of a total of 509, the incidence of vanities was 44%, uterine prolopse 56%, and anemia -a reproduction related disease - affected 62% of the sample studied (Younis et al., 1992).

The state sought to provide family planning services to the largest possible number of beneficiaries; but this was done at the expense of the quality of service provided. An evaluation of the standard of services provided by family planning programs indicated that consultation services were available in only 50% of the family units, and that 72% of the units did not keep any files or card records of the patients.

- Female doctors of all specialization's constitute 65%, while female gynecologists do not exceed 50%. Concerning the selection of contraceptive methods, 45% of the women indicated that it was the doctor who made the decision, and 33% said that they chose the method themselves.

Field research conducted reveals that family planning programs concentrate on providing contraceptive aids without giving due attention to integrated health care. In many cases, there is only one available method, which limits the users' freedom of choice. Limited family planning methods and the lack of different options have a direct impact on the possible exposure of women to infection with such diseases as AIDS. There are no reliable statistics on the incidence of AIDS among men and women in Egypt, but according to published information, the cases are very few.

- Women complain of the inability to communicate with health care personnel (particularly in the case of unpaid or free service). They feel that the doctors do not give them enough time to talk of their complaints or how they feel, and rarely do they listen to them or show any concern (Ramasubban et al., 1991; Khattab, 1992). This haughty attitude on the part of the doctors could be partly attributed to the work load, pressure, and lack of time. Nevertheless, cultural and gender differences undoubtedly stand in the way of a more open dialogue between women and doctors (Vance, 1991), consolidate the culture of silence and discourage women from making more visits to the health centers (Khattab, 1992).

- Doctors and paramedical personnel working in health service are not trained to be sensitive to women's social conditions. Traditional educational programs teach them to look upon the patients as mere clinical cases, without regard for any other considerations. Research indicates that it is common-place to overlook the socio-economic and cultural conditions of those patients, leading to impractical and unrealistic methods of treatment. This further impedes the development of effective preventive strategies in the local communities.

Furthermore, the burden of responsibilities and the heavy work load at home and in the field do not allow the necessary time or means to care for health. In addition, younger women do not have the capacity or position that allows them to adopt decisions regarding their health needs and requirements.

F. AVAILABILITY OF INFORMATION ON WOMEN'S LEGAL RIGHTS

Introduction :

Legal illiteracy of most women, that is their ignorance of their legal rights is prevalent among even the more educated and university graduates. The latter constitute 85% of the total number of women (Symposium 100 years - Cairo, 1994). This conclusion is based on socio-economic and cultural facts and problems affecting women's awareness of their rights. They furthermore affect the legal basis of these rights and menace existing laws, instead of seeking to develop and update them. Such problems may at least restrict these rights and practically abolish them as a result of women's ignorance of their legal rights or their inability to exercise and defend them, thus risking their easy violation.

It is therefore important to highlight the effort of governmental and non governmental organizations to improve women's awareness of their legal rights and of the relevant programs established for this purpose. We shall examine the efforts from two perspectives.

- Efforts exerted to improve women's knowledge of their legal rights and to facilitate their attainment of these rights.
- Efforts exerted to expand or modify base of women legal rights.

I. Effort exerted to improve women's knowledge of their legal rights and to facilitate their attainment of these rights:

In the governmental sector

There is no concrete plan for the development of legal awareness among women, for it would have reflected on educational and media programs which are mostly under government control. Nor is there an indication to provide information or facilitate access to legal rights in places where women work. The only state-supporting structure with relative awareness of legal rights are the family protection centers in some governorates. These centers were established in the sixties in some governorates to try to solve family conflicts through arbitration away from court. They explain the legal rights to the conflicting parties.

In the non-governmental sector

In the last two years Egyptian non-governmental organizations have made significant efforts to improve women's knowledge of their legal rights, and to facilitate their attainment of these rights. Those organizations are divided into two groups:-

a) A group that draws training and educational programs for women groups, prepares relevant studies and booklets and organizes legal consultancy centers, i.e.: "Committee for Women's Development" affiliated to Federation of Arab lawyers, association of Egyptian women lawyers for rights and development, Egyptian organization for human rights and center of legal studies for human rights.

b) A group of associations that benefit from such expertise and programs as a part of their interest in women's development through the creation of educational programs on legal rights. These organizations include: the Association of Childhood Salvation, Association of Health Promotion, Association of Upper Egypt for Development, Evangelical Organization for Social Services, association and League of Arab Women.

Activities of these organizations include:-

- A workshop was convened in December 1993 jointly by the Committee for the Development of Arab Women and the Legal Training unit of AMIDEAST to discuss the development of women's legal awareness.
- A group of Egyptian organizations (Arab Women League, Friends of the People, Organization for Health Promotion in Mallawi, Upper Egypt Organization for Development, Organization for Health and Environment at Development) organized educational programs for groups of women to inform them of their legal rights. Programs included lectures by specialists, sessions on real cases dealing with applied rights, particularly family, labor, social security and citizenship laws

(workshop model on women's legal status and problems in rural and urban areas - Menya, June 1994).

- The Committee for the Development of Arab Women of the FAL together with the Association of Egyptian Women Lawyers adopted two methods in its program on women's legal literacy and facilitating their achieving of these rights.

First Method

To train trainers, responsible for women's legal literacy programs.

Second Method

To provide legal counsel juridical assistance through specialized lawyers.

- Permanent centers were established to provide legal consultation and judicial assistance through the cooperation of women's magazine (Hawaa). This would mean broadening the base of women's awareness. This was done through a permanent column to answer questions of female readers about their legal rights (You ask and the law answers). The magazine selects some cases that need legal or judicial assistance and publish the latest legal opinions and rules granting women certain rights. The laws can also be rightly explained to secure women's interest and to guarantee that a majority of women are informed of these legal views.
- A series of workshops were held for private organizations, judicial associations and ministry of justice, the magistrate club, to examine the latest in women's legal rights by studying new social phenomena like women providers and demanding legal protection for them, studying women's responsibility for families.
- The establishment of a legal information base comprising all international and domestic legislation on women's rights, the abuse and violation of these laws and publishing information booklets on women's legal rights as "Women's legal rights theory and application."
- Creation of committees within some organizations to record violations and receive women's complaints. (Women's Committee in the Egyptian Organization of Human Rights). This committee plans to implement a project for Legal Education and Assistance of Woman. The project aims at pursuing cases of women's rights abuse in Boulak by recording all problems from which women suffer. Next the women would be asked about the legal areas they wish to investigate, thus they learn their legal rights through their own problems. A legal information program will then be set according to their requirements.
- Organizing national campaign to support and promote awareness of women's legal rights through information media circles, particularly in opposition papers and women's magazines.
- A group of women's associations in political parties (Federation of Arab Women) in (Nasserite Arab Democratic Party) of the unified progressive national party, women's committee in the Egyptian organization for human rights and all organized programs and courses to simplify legal concepts to women and to

explain for their legal rights. Some courses were destined for members of these parties and some others were held in community centers in the governorates of Giza, Cairo, Alexandria, Beheira, Gharbia and Dakhalia.

A group of non governmental organizations have been working during the late months of 1994 to reach a permanent agreement on enhancing women's status in Egypt and developing women's awareness of legal rights.

II. Efforts exerted to broaden or modify the base of women's legal rights

- Some legal organizations such as the federation of Arab Lawyers' committee of women Lawyers for the Development of Arab Women as well as research and human rights centers, record the successive legislation and decision makers which affect women, to record any discrimination against women. This contributes to a critical analysis of these laws, particularly (citizenship laws, family, labor, social, social security, and penal laws). The studies aim at examining measures to facilitate legal procedures for women, enabling them to realize their interest and obtain their rights.
- Many non-governmental organizations concerned with women's status base themselves on rights, provisions in international conventions, especially the International Convention on the Elimination of all kinds of discrimination against women in calling upon the Egyptian government to implement the legal declaration.
- Some women's associations specially within political parties submitted to the People's Assembly, some legislative amendments, adopting legal rights not enjoyed by Egyptian women, as the right to grant her children nationality if she is married to a foreigner. The present legislation does not grant her this right.
- Women leaders conduct media campaign mobilizing public opinion in defense of justice for women. They demand the exercise of rights granted to them by law and constitution, yet which are not practiced, such as women's rights to occupy the post of magistrate. They oppose attempts to modify existing laws, seeking to deprive women of gains scored especially in unified labor law and law of public business sector and its regulatory status.

CONCLUSION:

By analyzing the relationship between women, law, and development and how they affect each other, we find that women's participation in socio-economic, political, educational, and cultural development is closely interrelated and indivisible. To achieve development, it requires the greatest possible participation of women on equal basis as men in a framework of equal opportunities and social justice. Such participation requires an awareness of rights and duties consolidated by literacy in general and legal literacy in particular. It further requires an integrated outlook on the issue of women, women's rights being part of human rights.

Since law is a reflection of society in general, it should be interpreted into legislation and provisions that guarantee the active participation of women in various aspects of development. Topics were reviewed and examined on the basis of their direct relation and impact on women's participation in development as well as indirect effects on women's participation in development. We have emphasized how law affects women's participation in education, political and labor (public domain) and were of the view that there was an indirect correlation worthy of consideration between the family and law (private domain) and women's participation in development.

After examining various constraints on women's participation in development activities, we have arrived at concluding that the main constraints were:

- Legal obstacles related to the legal provisions and texts, such as certain articles of the labor Act and family law (legislative discrimination)
- Obstacles in application related to the implementation and application of the law, which is evident in education, labor, and political participation (discrimination in application)
- Non-legal obstacles (social, economic, cultural, etc.) which are linked to the value system, and the customs and traditions which indirectly affected women's legal status and participation in development

Given the previous numerous constraints, the efforts done in this area of legal awareness is very limited and sporadic. There is a strong need to develop a specialized umbrella institution that brings together all concerned groups/NGO's, to guarantee active coordination and provide a broad legal information base.

BIBLIOGRAPHY

(A) Women's participation in labor force

"The Challenge of Job Creation in Egypt: Annex: Summary Project Outlines." ILO: Cairo, 25 March 1991.

El-Naggar, Zeinab. "Seminar on National Machinery for Monitoring and Improving the Status of Women: case study of Egypt." Vienna. 28 September - 2 October, 1987.

El-Safty, Rashad Mohamed. "Women and Development: a study of the status of women in Egypt." (in Arabic). UNESCWA.

Fergany, Nader. "Employment and Unemployment in the Domestic Economy." Labor Information System Project, CAPMAS. December 1990.

Hammam, Mona. "Women and Industrial Work in Egypt: the Chubra El-Kheima case." Arab Studies Quarterly. 1984.

Ibrahim, B. "Family Strategies: A Perspective on Women's Entry to the Labor Force in Egypt." International Journal of Sociology of the Family 11: 235-249, 1981.

Macleod, Arlene Elowe. "Women at Work Outside the Home: the experience of change." Accommodating Protest: working women, the new veiling and change in Cairo. Columbia University Press: New York, 1991.

Meriam, Kathleen Howard. "The Employment of Scientifically Trained Women In Egypt" Ford Foundation. 8-11 November, 1978.

Weidemann, C. Jean. "Egyptian Women and Micro-enterprise: the invisible entrepreneurs." GEMINI. March 1992.

"Women and Work: Strategies and Choices in a Lower-class Quarter of Cairo." In Women and the Family in the Middle East. Ed. E. Fernea. Austin: University of Texas Press, 1985.

Za'louk, Malak. "Women." Labor Information System Project, CAPMAS. December 1990.

MAJOR OBJECTIVES & ACCOMPLISHMENTS:

- The protection of woman rights
- Respect and promotion of human rights
- Co-ordination of the Egyptian laws and adminstration work with the international conventions for human rights
- To insure a fair trial for those accused infront of their natural judge and provide them with legal assistance.
- To promote individual and group awarness of their human rights throught the different means of communication and the media
- Publication of data and reports regarding violation of human rights. Also developing studies in the field of human rights.
- Establishing communiction with the Egyptian organizations and agencies (NGOs), International and Arab associations
- To work towards supremacy of the law and respect the independance of القضاء
- To provide needed help in order to preserve the rights of those accused in the cases of public opinion.
- To promote the co-operation links with the Arab and Egyptian organizations and associations
- To make the punishment laws, prison by-laws and prisoners treatment compatable with international conventions regarding prevention of mutulation.
- To make the maximum effort to release those who are imprisoned or their freedom because of thier colour, race, sex or their political opinions or beleives.

SPECIAL PROGRAMS FOR ENHANCEMENT OF WOMEN'S RIGHTS:

- Legal Aid program
- Women legal awareness program in the project of' Boulaak Dakrour ' area
- Training program for teaching women rights considering it human right.
- Workshop for women rights in labor force, national laws that is between implementation and law.

MAJOR CONSTRAINTS TO ACHIEVING OBJECTIVES:

- Funds
- Funds, especially for the project of 'Women legal aid' as it is the begining, limited and not highly specialized so that it can allow the development of a training and legal aid program.

PROFILE SUMMARY

ASSOCIATIONS / CENTERS / AND INSTITUTIONS RELATED TO WOMEN'S LEGAL STATUS

NAME OF ORGANIZATION: Women Right Committee affiliated to the Egyptian Organization for Human Rights

MAILING ADDRESS: 8/10 Manial Museum - Manial Al Rowda, Cairo

TELEPHONE: 360467 **FAX/TELEX:** 3621613

YEAR FOUNDED: 1985

NAME OF HEAD OF BOARD: Dr.Sahar Hafez **SEX:**F

NO. OF WOMEN INCLUDED IN THE BOARD: 3

TARGET MEMBERSHIP OF THE ORGANIZATION:

SOURCES OF FUNDING AND SPONSORING AGENCY:

- Lawyers Committee for Human Rights
- Arab Organization for Human Rights
- Arab Lawyers Union
- Swedish NGO Fund for Human Rights
- International Internship for Human Rights
- The East-West Educational Development Fund

MAJOR OBJECTIVES & ACCOMPLISHMENTS:

- Review and documents the studies on women's issues and undertake new ones whenever necessary
- Advocate models of programs and services relevant to the real needs of Arab women particularly those of the disadvantaged groups
- Organize training programs to improve the socio-economic status of woman and to enable her to deal effectively with various institutions
- Convene different kinds of meetings for exchanging experiences between those concerned and involved in Arab women's issues and for raising the awareness of the Arab region about the issues
- Establish relationships with different organizations concerned with the problems of women

SPECIAL PROGRAMS FOR ENHANCEMENT OF WOMEN'S RIGHTS:

- Legal awareness program in different fields; health, personnel law and insurance.
- Training program for women in cooperation with civil associations started 1993; 36 courses, each last for a month twice a week.
- Preparation of a booklet for the same project - simplification of the law.

MAJOR CONSTRAINTS TO ACHIEVING OBJECTIVES:

- Suitable training for the courses.
- Funding obstacle.
- There is a demand for awareness to be published in simplified pamphlets but most organizations have no place for training
- Provision of fixed places for the training.

PROFILE SUMMARY

ASSOCIATIONS / CENTERS / AND INSTITUTIONS RELATED TO WOMEN'S LEGAL STATUS

NAME OF ORGANIZATION: Alliance for Arab Women

MAILING ADDRESS: 28 Adly st. Flat 74 - Cairo

TELEPHONE: 3939899 **FAX/TELEX:** 3936820

YEAR FOUNDED: 1987

NAME OF HEAD OF BOARD: Hoda Badran **SEX:** F

NO. OF WOMEN INCLUDED IN THE BOARD: 8 out of 11 members

TARGET MEMBERSHIP OF THE ORGANIZATION:

Membership opened for both Arab Women and men meeting the following conditions:
1- Not deprived of the political rights
2- Concerned or active in relation to women's issues
3- Apply for membership and pay the dues (L.E. 25 or equivalent)

SOURCES OF FUNDING AND SPONSORING AGENCY:

- Membership fees
- Projects funded by funding organizations

MAJOR OBJECTIVES & ACCOMPLISHMENT

- The provision of legal advice to victims of human rights violations
- Provision of legal defense in the courts, in the cases taken up by the center
- The establishment of a network of volunteer lawyers to pursues such legal cases
- The documentation of information and Judicial rulings concerning human rights
- The preparation of legal research on the consistency of national laws with international human rights covenants
- The human rights training of lawyers and other human rights workers interested in legal aid activities
- Raising awareness of individuals about their legal rights, in particular through a series of pamphlets "Know your Rights"
- Establishment of a library of legal research
- Establishment of durable relations with other local and international organizations to coordinate activities for the benefit of victims of violation

SPECIAL PROGRAMS FOR ENHANCEMENT OF WOMEN'S RIGHTS:

- The center adopts all cases concerning women's rights or women and equality and different types of violence, humiliation and bad treatment of women.

MAJOR CONSTRAINTS TO ACHIEVING OBJECTIVES:

- Funding

PROFILE SUMMARY

ASSOCIATIONS / CENTERS / AND INSTITUTIONS RELATED TO WOMEN'S LEGAL STATUS

NAME OF ORGANIZATION: Center For Human Rights & Legal Aid

MAILING ADDRESS: 11 Wezaret El Zera'a St. Flat 13 - Dokki, Giza - Cairo

TELEPHONE: 3606116 **FAX/TELEX:** 3606116

YEAR FOUNDED: 1994

NAME OF HEAD OF BOARD: Hesham Mubarak **SEX:** M

NO. OF WOMEN INCLUDED IN THE BOARD: 2

TARGET MEMBERSHIP OF THE ORGANIZATION:

No membership

SOURCES OF FUNDING AND SPONSORING AGENCY:

Local funds

MAJOR OBJECTIVES & ACCOMPLISHMENTS:

Nour aims to:

- Encourage Arab women to write and to publish their work
- Publish fiction and non-fiction by and about Arab women at affordable prices
- Make good writing on women's issues accessible to both general and specialist Arab audiences
- Disseminate information on other publications that deal with women's issues, both regionally and internationally

To achieve these aims, Nour will:

- Publish good quality low cost paperback editions to reach the widest possible market
- Build links with publishing houses, bookstores, public libraries, book fairs, women's unions, as well as with university departments, research institutes and schools
- Consult an Advisory Board and Readers' Committees to select and commission good writing on and by Arab women
- Commission research, hold workshops on topics of major concern to Arab women, and publish the proceedings
- Produce a newsletter on recent publications by and about Arab women
- Sponsor a first Arab Women's Book Fair

SPECIAL PROGRAMS FOR ENHANCEMENT OF WOMEN'S RIGHTS:

MAJOR CONSTRAINTS TO ACHIEVING OBJECTIVES:

- Funds

PROFILE SUMMARY

ASSOCIATIONS / CENTERS / AND INSTITUTIONS RELATED TO WOMEN'S LEGAL STATUS

NAME OF ORGANIZATION: Nour

MAILING ADDRESS: 9 Mudireyet El Tahrir st., Garden City

TELEPHONE: (202) 3553825 **FAX/TELEX:** (202) 3553825

YEAR FOUNDED: 1993

NAME OF HEAD OF BOARD: Huda Zurayk **SEX:** Female

NO. OF WOMEN INCLUDED IN THE BOARD: 5

TARGET MEMBERSHIP OF THE ORGANIZATION:

SOURCES OF FUNDING AND SPONSORING AGENCY:

- Contributions from founding members
- Contributions from Arab individuals and institutions
- Grants from bilateral and multilateral development agencies
- Sales of publications
- Fees from works printed on behalf of other organization
- Fees from the distribution of books by other publishers

MAJOR OBJECTIVES & ACCOMPLISHMENTS:

- To help improve services for working mothers in poor urban districts and to educate women and girls who missed school in different fields - health, environment nd literary..etc
- Teaching women and girls their civil and human rights
- The society has carried out some income generation projects for women
- Day care nurseries for rehabilitation of pre-school children
- Seminars and cultural courses for women
- Health centers for women, serving them in the area of family planning and their health

SPECIAL PROGRAMS FOR ENHANCEMENT OF WOMEN'S RIGHTS:

- Participation in the production of booklet 1986 & 1993 about women's rights.
- Training on the booklet.
- Training program for women about their legal rights.
- Seminars on human and women rights that are held in the association.
- Participation in international conferences dealing with human and women rights.

MAJOR CONSTRAINTS TO ACHIEVING OBJECTIVES:

- Insufficient financial resource for the expendure on building maintenance which is private property of the association (built on 2000m)
- Insufficient funding to improve services and raise its level.

PROFILE SUMMARY

ASSOCIATIONS / CENTERS / AND INSTITUTIONS RELATED TO WOMEN'S LEGAL STATUS

NAME OF ORGANIZATION: Friends of the People Society for Social Work

MAILING ADDRESS: 1 Biran El Tonsi st., Zeinhom Gardens - Cairo

TELEPHONE: 3641119 **FAX/TELEX:** 3411510

YEAR FOUNDED: 1945

NAME OF HEAD OF BOARD: Awatef Wally **SEX:** F

NO. OF WOMEN INCLUDED IN THE BOARD: 5

TARGET MEMBERSHIP OF THE ORGANIZATION:

Membership is limited to women.

SOURCES OF FUNDING AND SPONSORING AGENCY:

- Grants and aids (continuing)
- Ministry of social affairs (continuing)
- Project of training women new skills (ESCWA) 1987
- Project of manufacturing children toys and other artistic things.
- Canadian Embassy (1998)
- Aid organization (1984)

MAJOR OBJECTIVES & ACCOMPLISHMENTS:

To enhance the women's role through training / self development and career opportunity. Also to render its services through 3 main areas:

1. Training
2. Management consulting
3. Conferences and seminars

SPECIAL PROGRAMS FOR ENHANCEMENT OF WOMEN'S RIGHTS:

MAJOR CONSTRAINTS TO ACHIEVING OBJECTIVES:

None

PROFILE SUMMARY

ASSOCIATIONS / CENTERS / AND INSTITUTIONS RELATED TO WOMEN'S LEGAL STATUS

NAME OF ORGANIZATION: Arab Center for Women in Development

MAILING ADDRESS: 4 Al Ahram St., Upper Plato in Mokattam - Cairo

TELEPHONE: 5060191/2/3 **FAX/TELEX:** 5060194

YEAR FOUNDED: 1993

NAME OF HEAD OF BOARD: Mohammed Bekdash **SEX:** M

NO. OF WOMEN INCLUDED IN THE BOARD: 15

TARGET MEMBERSHIP OF THE ORGANIZATION:

Women who have the experience with and awareness of the barriers impeding women's active participation in the social and economic development

SOURCES OF FUNDING AND SPONSORING AGENCY:
It is private sector (Non-profit)

MAJOR OBJECTIVES & ACCOMPLISHMENTS:

ADEW aims at empowering women Female-headed Households that have been disregarded and that constitute 18% of all women in urban areas. It also assist them in having access to credit which is otherwise denied them as well as providing them with legal aid. It also aims at highlighting this category of women who are mostly widows, divorcees, or with terminally ill or disabled husbands, to demonstrating their importance and potential in the development process.

It also assists in developing and implementing action-oriented programs that:

- ★ **Generate** employment for women - supported households.
- ★ **Improve** the leadership skills of community women.
- ★ **Create** awareness of the needs and problems of women-supported households and elicit the support of government officials and private and institutional donors.
- ★ **Establish** links between women's PVO's local women, donor agencies, private individuals, and banks.
- ★ Assist local organizations in setting up similar programs.

This is done through promoting the central philosophy of empowering women in low-income communities by improving their access to credit and providing legal assistance. Also, by providing technical assistance, which means;

1- Introducing options for diversification of product lines to meet demand and increase profit.
2- Assisting local women in identifying new wholesale and retail market opportunities.
3- Training local women on basic budgeting principles.

Project Case Profile: Manshiet Nasser.

SPECIAL PROGRAMS FOR ENHANCEMENT OF WOMEN'S RIGHTS:

MAJOR CONSTRAINTS TO ACHIEVING OBJECTIVES:

- Management of the project- trained staff are needed

PROFILE SUMMARY

ASSOCIATIONS / CENTERS / AND INSTITUTIONS RELATED TO WOMEN'S LEGAL STATUS

NAME OF ORGANIZATION: The Association for Development and Enhancement of Women (ADEW)

MAILING ADDRESS: 4 El Hakim st., El Maasara, Helwan - Cairo

TELEPHONE: 3554521 **FAX/TELEX:**

YEAR FOUNDED: 1987

NAME OF HEAD OF BOARD: Hanaa Ayoub **SEX:** F

NO. OF WOMEN INCLUDED IN THE BOARD: 7

TARGET MEMBERSHIP OF THE ORGANIZATION:

- To all women who are interested and committed in the issue of woman empowerment
- Also those who professinals

SOURCES OF FUNDING AND SPONSORING AGENCY:

- Forign funds
- Donations from Egyptian people
- From membership fees

MAJOR OBJECTIVES & ACCOMPLISHMENTS:

The New Woman group work for mobilization of women around gender specific issues and the dissemination of information that help women in their process of self determination and empowerment. Also co-operation between the various like minded women's and human rights organizations and work for the organizational tools with the ultimate goal of creating powerful Egyptian women's movement. Their activities include consciousness raising as regards the general situation of women's human rights issues, economic, social, and political rights, citizenship rights, health, education and legal aid.

SPECIAL PROGRAMS FOR ENHANCEMENT OF WOMEN'S RIGHTS:

- Changing of women's legal and social position.
- Violation of Woman rights
- Structural adjustment.
- The political, economical, legal and social surroundings.

MAJOR CONSTRAINTS TO ACHIEVING OBJECTIVES:

PROFILE SUMMARY

ASSOCIATIONS / CENTERS / AND INSTITUTIONS RELATED TO WOMEN'S LEGAL STATUS

NAME OF ORGANIZATION: The New Woman Research And Study Center

MAILING ADDRESS: 5, Khan Yunis Street, Mohandesseen, Cairo

TELEPHONE: 3476777 - 3459196 **FAX/TELEX:**

YEAR FOUNDED: 1991

NAME OF HEAD OF BOARD: None **SEX:**

NO. OF WOMEN INCLUDED IN THE BOARD: 15

TARGET MEMBERSHIP OF THE ORGANIZATION:

Everybody who is concerned about women's issues

SOURCES OF FUNDING AND SPONSORING AGENCY:

Dutch Institution for a year

MAJOR OBJECTIVES & ACCOMPLISHMENTS:

- Women awareness in all fields
- Changing the behavior and direction of women
- Women empowerment.

SPECIAL PROGRAMS FOR ENHANCEMENT OF WOMEN'S RIGHTS:

MAJOR CONSTRAINTS TO ACHIEVING OBJECTIVES:

- Level of illiteracy and poverty that is very high among people.
- The deeply rooted traditions and habits and fear of changing them.
- Lack of awareness among men and how men look at women.
- Funds.

PROFILE SUMMARY

ASSOCIATIONS / CENTERS / AND INSTITUTIONS RELATED TO WOMEN'S LEGAL STATUS

NAME OF ORGANIZATION: Coptic Evangelical Organization For Social Services (CEOSS)

MAILING ADDRESS: P.O BOX 1304-Cairo, Egypt

TELEPHONE: 902667 - 906683 **FAX/TELEX:** 904990

YEAR FOUNDED: 1950

NAME OF HEAD OF BOARD: Mirvat Agnoug **SEX:** F

NO. OF WOMEN INCLUDED IN THE BOARD: 40%

TARGET MEMBERSHIP OF THE ORGANIZATION:

2 years institutional studies

SOURCES OF FUNDING AND SPONSORING AGENCY:

- American Aid
- Social Fund
- Public Services Sectors

MAJOR OBJECTIVES & ACCOMPLISHMENTS:

- Provision of legal advice and judicially aid for women and awareness development programs of women legal rights.
- Studies of women status and different issues in all Arab countries and work to raise the level of awareness of the latter of the Arab citizen.
- Enforcing relationship between the committee and different Arab NGO's through its country-sub-committees in all Arab countries.
- To institutionalized recommendations that are issued by the Arab Lawyers Union conferences, especially those dealing with Arab Women situation
- To change the laws in the Arab countries and to get rid of the obstacles that constrain woman rights and enforcing it by participating in development
- To ensure her political, civil, economic, social and cultural rights

SPECIAL PROGRAMS FOR ENHANCEMENT OF WOMEN'S RIGHTS:

MAJOR CONSTRAINTS TO ACHIEVING OBJECTIVES:

- Funding for the research and training programs.
- Policies and laws that lack the element of enforcing of human rights, basic freedom especially in what is related to women rights.
- Poor technical capabilities and training of technical staff especially in the fields of documentation, information and electronic calculator

PROFILE SUMMARY

ASSOCIATIONS / CENTERS / AND INSTITUTIONS RELATED TO WOMEN'S LEGAL STATUS

NAME OF ORGANIZATION: Arab Lawyers Union -(TheWoman Rights Committee)

MAILING ADDRESS: 13 Arab Lawyers Union street, Garden City, Cairo, Egypt

TELEPHONE: 3552486 - 3563931 **FAX/TELEX:** 3547719

YEAR FOUNDED: Union (1994) Comittee (1984)

NAME OF HEAD OF BOARD: Tahani El Gibaly **SEX:** F

NO. OF WOMEN INCLUDED IN THE BOARD:

- One woman member in the permanat office of the Union (elected)
- The committe include 113 men, women and experts in addition to the sub committees in all different Arab countries

TARGET MEMBERSHIP OF THE ORGANIZATION:

General organizations membership for Arab lawyers.

SOURCES OF FUNDING AND SPONSORING AGENCY:

- Membership fees
- Unconditioned Associations

الباز، شهيدة. "عمل المرأة و اشكالية المساواة بين الجنسين في مصر" المرأة المصرية والعدالة الاجتماعية. ١٩٩٤.

حافظ، سحر. "الجوانب التشريعية لعلاقة المرأة بالبيئة" مركز الدراسات والبحوث البيئية – جامعة القاهرة، ١٩٩٣.

حافظ، سحر. "حق المرأة فى العمل بين المساواة والتمييز" المركز القومى للبحوث الاجتماعية. ١٩٩٤.

رمسيس، نادية. "مشاركة المرأة العربية فى الصناعة" بحث مقدم الى المؤتمر الاقليمى عن التحديات الاقتصادية، والاجتماعية فى التسعينات، القاهرة، ٢-٢٣ مايو ١٩٩٠.

رمسيس، نادية. "المرأة المصرية، الوضع الحالى وآفاق المستقبل"ورقة غير منشورة،يناير ١٩٩٤

شكرى، علياء. "المشاركة الاقتصادية للمرأة الريفية فى التنمية، العمل غير المأجور" ندوة المرأة والتنمية القومية، المركز الاقليمى للبحوث والتوثيق، القاهرة، نوفمبر ٦-٨ يونيه ١٩٩٤.

لطفى، عادل. "المرأة المصرية وسوق العمل" كتاب المرأة – مجلة هاجر – دار سينا للنشر

نوار، ليلى. "نساء مسئولات عن اسر" قدمت فى ندوة نساء مسئولات عن اسر بالجهاز المركزى للتعبئة العامة والاحصاء، ١٩٩٤.

د. هندوسة، هبة. "المرأة فى القطاع الرسمى والقطاع غير الرسمى فى مصر، ورقة مقدمة للمؤتمر القومى للمرأة المصرية وتحديات القرن الواحد والعشرين، القاهرة، ٦-٨ يونيه ١٩٩٤.

الجهاز المركزى للتعبئة والاحصاء : نتائج بحث العمالة بالعينة لسنة ١٩٨٨، القاهرة ١٩٩٠.

بحث "العدالة الاجتماعية وتكافؤ الفرص التعليمية" المركز القومى للبحوث الاجتماعية والجنائية، ١٩٩٢.

بحث "حق العمل فى الاقتصاد المصرى" المركز القومى للبحوث الاجتماعية والجنائية، ١٩٨٧.

(B) Social restrictions reinforced by traditional law

Ahmed, Laila. Women and Gender in Islam: historical roots of a modern debate. New Haven: Yale University Press, 1993.

(C) Political rights of women

Abdel Kader, S. "Changes in Law and Policy to Eliminate Against Women in Egypt." Paper Presented at the Fifth Annual International Women's Rights Action Watch Conference, New York, 20-22 January, 1990.

Al-Nowaihi, M. "Changing the Law on Personal Status Within a Liberal Interpretation of the Sharia." In Law and Social Change in Contemporary Egypt. Ed. C. Nelson and K. Koch. Cairo Papers in Social Science 2(4).1979

An-Na'im, A. Toward an Islamic Reformation: Civil Liberties, Human Rights and International Law. Syracuse: Syracuse University Press, 1990.

Azer, A. "Law as an Instrument for Social Change: An Illustration From Population Policy." In Law and Social Change in Contemporary Egypt. Ed. C. Nelson and K. Koch. Cairo Papers in Social Science 2(4). 1979.

Badran, M. "Competing Agenda: Feminist, Islam, and the State in Nineteenth and Twentieth-century Egypt." In Women, Islam, and the State. Ed. D. Kandiyoti. Philadelphia: Temple University Press, 1991.

Bowen, D. "Islamic Law and the Position of Women." Draft prepared for the World Bank Europe, Middle East and North Africa Region / EMPTH. 1992.

Fadel, Nayera F. "Egyptian Women and Democratic Transformation." Civil Society. Ibn Khaldoun Center for Development Studies: Cairo. Vol. III, issue 31. July, 1994.

Nelson, Cynthia. "Public and Private Politics: Women in the Middle Eastern world." American Ethnologist. Vol. 1. August 1974.

Shaheed, F. "Controlled or Autonomous: Identity and the Experience of the Network Women Living under Muslim Laws (WLUML)." Signs 19(4): 997-1019, 1994.

"The Situation Of Egyptian Women Within the Framework of the Women's Convention of 1979." unpublished paper, 1993.

Sullivan, Earl L. Women in Egyptian Public Life. U.S.A.: Syracuse University Press, 1986.

Toubia, N. and A. An-Na'im. n.d. "Legal Dimensions of the Health of Women in Arab and Muslim Countries." Unpublished paper. Cairo: the Population Council Regional Office.

"Women and Criminal Justice in Egypt." Law and Islam in the Middle East. Ed. D. Dwyer. New York: Bergin & Garvey Publishers, 1990.

Badran, H. et al. "Women Responsible For Families." Paper presented at CAPMAS National Seminar on Female Headed Households, Cairo, 29 March 1994.

El-Hamamsy, Laila. "Early Marriage and Reproduction in Two Egyptian Villages." The Population Council / UNFPA: Cairo. 1994.

Hoffman, V. "An Islamic Activist: Zaynab al-Gazali." In Women and Family in the Middle East. Ed. E. Fernea. Austin: University of Texas Press, 1985.

"The Impact of Egyptian Male Migration on Urban Families Left Behind: 'Feminization of the Egyptian Family' or a Re-affirmation of the Traditional Gender Roles." Sociological Bulletin (India) 42(1-2): 115-135,1993.

Mickhail, Mona. Images of Arab Women: fact and fiction. "Family Law - The Rights and Obligations of Modern Muslim Women." Three Continents Press, 1979.

"Return to the Veil: Personal Strategy and Public Participation in Egypt." In Working Women: International Perspectives on Labor and Gender Ideology. Ed. N. Redclift and M. Sinclair. London: Routledge, 1991.

Wikam, Unni. "Shame and Honor: a contestable pair." Man. Vol. 19, 635-52. 1982.

Zurayk, Huda. "Women's Reproductive Health in the Arab World." West Asia and North Africa. The Population Council. 1994.

ابراهيم، سعد الدين. " محور معوقات تقدم المرأة: اية تقاليد تغلق العقل و الطريق العام أمام المرأة المصرية؟" مؤتمر "المرأة المصرية و تحديات القرن الحادي و العشرين" القاهرة، يونيو ١٩٩٤.

العطيفى، أمينة. "مفهوم العقد الاسلامي و القانون مع دراسة متعمقة لعقد الزواج"

بيبرس، أيمان. " نتائج استطلاع الرأى فى تطوير عقد الزواج"

رضوان، زينب. "المرأة و الاسلام" النداء الجديد. سبتمبر ١٩٩٣.

شميس، أمينة."العقبات التي تعوق حصول المرأة المسلمة علي الطلاق القضائي في مصر" مأخوذ عن رسالة دكتوراة الدوله بعنوان طلاق المرأة المسلمة فى الشريعة الاسلامية – حالة مصر عام ١٩٨٧جامعة باريس ٢" الابحاث التحضيرية المقدمة من لجنة تعزيز دور المرأة فى المجتمع – ملف مركز دراسات المرأة الجديدة – اغسطس ١٩٩٤.

عبد الستار، فوزية. "المرأة في التشريعات المصرية"مؤتمر "المرأة المصرية و تحديات القرن الحادي والعشرين." القاهرة، يونيو ١٩٩٤.

118

Zulficar, M. Unpublished presentation at the meeting on "The Legal Dimensions of Women's Health," Sharm el-Sheikh, Egypt, 9-11 February 1993.

البرقادى، حبيبة. "المرأة العربية وحقوق الانسان". بحث مقدم للجنة النهوض بالمرأة العربية بأتحاد المحامين العرب. المؤتمر الثامن عشر. الدار البيضاء:المغرب، ١٩٩٣.

الجبالى، تهانى. بحث "الحقوق السياسية للمرأة فى مصر" مقدم للندوة العلمية بمناسبة مرور مائة عام على تعليم المرأة – المجلس الاعلى للثقافة، القاهرة، ١٩٩٤.

الجبالى، تهانى. "وثائق الجمعيات والمراكز المعنية بحالة المرأة والمزكورة بالبحث".

السيد لطفى، عفاف. تجربة مصر الليبرالية. ترجمة عبد الحليم سليم – المركز العربى للبحث والنشر – القاهرة.١٩٧٢.

المغازى عبد الغفار، ضحى. "الثقافة السياسية للمرأة الريفية؛ دراسة أنثروبولوجية." ورقة مقدمة الى المؤتمر السابع للبحوث السياسية فى مصر بين الاستمرارية و التغير. مركز البحوث و الدراسات السياسية، القاهرة، ٤ – ٧ ديسمبر ١٩٩٣.

النقاش، فريدة. "المرأة المصرية والحركة الوطنية" ورقة غير منشورة، ندوة المرأة المصرية والتنوير معرض الكتاب، القاهرة، ١٩٩٣.

بكر، سلوى. "أين ذهبت أم جلال" ورقة غير منشورة مقدم لندوة المرأة المصرية والتنوير بمعرض الكتاب بالقاهرة، فبراير ١٩٩٣.

بهى الدين، أميرة. "المرأة فى النظام القانونى – حالة مصر " مطبوعات نقابة المحامين المصرية، ١٩٨٩.

جمعة شعراوى، سلوى. "دراسة حالة لثلاث دوائر انتخابية" انتخابات مجلس الشعب: دراسة و تحليل. ١٩٩٠.

جمعة شعراوى، سلوى. "تفسير السلوك الانتخابي: دراسة مقارنة لدائرة شرق القاهرة و محافظة السويس" انتخابات مجلس الشعب: دراسة و تحليل. ١٩٩٠.

حنطر، هدى. "الآليات التي تتيح للمرأة التقدم في المنظمات الحكومية." مؤتمر "المرأة المصرية وتحديات القرن الحادي و العشرين." القاهرة، يونيو ١٩٩٤.

خفاجى، فاطمة. "الآليات التي تتيح التقدم للمرأة في المنظمات الغير الحكومية" مؤتمر "المرأة المصرية وتحديات القرن الحادي والعشرين." القاهرة، يونيو ١٩٩٤.

١١٩

خليل، عبد الله. "الحريات والحقوق الاساسية فى الدستور والقوانين والتشريعات المصرية" مطبوعات المنظمة المصرية لحقوق الانسان، ١٩٩٣.

لطفى، سهير. "ندوة الخبراء" الاهرام، ٢٦ مارس ١٩٩٣.

مجاهد، حورية ."المرأة المصرية في المجالس النيابية (مجلس الشعب و الشوري و المجالس المحلية)." مؤتمر "المرأة المصرية و تحديات القرن الحادي و العشرين." القاهرة، يونيو ١٩٩٤.

طوبيا، ناهد وأخرين. "وضع المرأة العربية" مطبوعات مجلس السكان العالمى باللغة الانجليزية، أغسطس ١٩٩٤.

عيسى، صلاح. الثورة العربية. دار المستقبل العربى القاهرة. ١٩٨٩.

معوض، نازلى ."المرأة المصرية في الاحزاب السياسية" مؤتمر "المرأة المصرية و تحديات القرن الحادي والعشرين." القاهرة، يونيو ١٩٩٤.

البحوث القانونية حول قوانين الاحوال الشخصية والعمل والجنسية والعقوبات" لجنة النهوض بالمرأة."

التمييز ضد المرأة فى القانون المصرى – حقوق الانسان" نشرة غير دورية تصدرها المنظمة المصرية لحقوق الانسان العدد ٢١، اكتوبر ١٩٩٤.

"المشاركة السياسية للمرأة العربية." بحث لخبيرات لجنة النهوض بالمرأة العربية باتحاد المحامين العرب – مقدم للمؤتمر العام للاتحاد بالدار البيضاء، مايو ١٩٩٣.

أوراق مركز الاستشارات القانونية والمساعدة القضائية للنساء" مجلس حواء القاهرية." ١٩٩٤.

"برنامج تدريب المدربين على برامج الوعى القانونى." لجنة النهوض بالمرأة العربية. ١٩٩٣.

بعض بحوث حول المرأة والقانون" مركز البحوث الاجتماعية والجنائية والجامعة الامريكية."

مجموعة عمل المنظمات غير الحكومية المصرية. "وثيقة المنظمات غير الحكومية المصرية لمنتدى المؤتمر الدولى للسكان والتنمية، القاهرة، سبتمبر ١٩٩٤.

مركز أبن خلدون للدراسات الانمائية. توصيات ندوة المرأة المصرية والتحول الديمقراطى، يونيو ١٩٩٤.

"مشروع محو الامية القانونية للنساء الفقيرات" رابطة المرأة العربية بالقاهرة وجمعية تحسين الصحة بملوى. ١٩٩٣.

وثائق برنامج تنمية الوعى القانونى للنساء" لجنة المرأة بالمنظمة المصرية لحقوق الانسان." ١٩٩٤.

وثائق الاتحاد النسائى التقدمى" حزب التجمع." من ١٩٩٠ إلى ١٩٩٤.

"وثائق اتحاد المرأة العربية" الحزب الديمقراطى الناصرى. من ١٩٩٢ إلى ١٩٩٤.

"وثيقة الجمعيات الاهلية المصرية الى المؤتمر الدولى للسكان والتنمية." يوليو ١٩٩٤.

"وثائق مكاتب حماية الاسرة بوزارة الشئون الاجتماعية. من ١٩٧٤ إلى ١٩٩٤ (بعض السنوات).

"ورشة العمل حول تنمية الوعى القانونى للنساء." لجنة النهوض بالمرأة العربية، اتحاد المحامين العرب، مركز التدريب القانونى بهيئة الاميد إيست. ١٩٩٣.

"ورشة عمل الاوضاع والمشكلات القانونية للنساء فى الريف والحضر." جمعية الصعيد للتنمية، أطار المنيا، يونيو ١٩٩٤.

(D) Education and training

Zakareya, Hoda Abdel Moneim, Professional Mobility of Egyptian Women in the Urban Community, M.A. Thesis. Cairo University: 1977.

الحمامصى، ليلى. "الامية بين النساء في جمهورية مصرالعربية." مؤتمر "المرأة المصرية وتحديات القرن الحادى والعشرين" القاهرة، يونيو ١٩٩٤.

رمزى، ناهد."واقع المرأة التعليمي والمساواة بين الجنسين." المرأة المصرية و العدالة الاجتماعية و الاقتصادية. ١٩٩٤.

زيتون، محيا. "نحو أساس موضوعى لتقويم دور المرأة." بحث مقدم إلى جمعية تضامن المرأة العربية.

عازر، عادل، ناهد رمزى. "عمالة الاطفال فى الورش الصناعية" المركز القومى للبحوث الاجتماعية، اليونسيف ١٩٩٢.

فرجانى، نادرز. "تقييم الانجاز فى تعليم المرأة فى مصر" ندوة مائة وعشرون عاماً من تعليم المرأة المجلس الاعلى للثقافة، نوفمبر ١٩٩٣.

اللجنة الاقتصادية والاجتماعية لغرب آسية. "دراسة استطلاعية حول خصائص ومشكلات المرأة فى القطاع غير الرسمى فى حى شعبى بمدينة القاهره." سلسلة دراسات عن المرأة العربية والتنمية: ١٩٨٨. ص ص. ٤٥-٤٩.

المركز القومى للبحوث التربوية. "المرأة والتعليم فى جمهورية مصر العربية: ١٩٨٠. ص.٧٦.

المصرى، سناء. خلف الحجاب. القاهره: سينا للنشر: ١٩٩٢.

هلودة مختار، عوض، أ.د. احمد حسين ود. محمد نعمان نوفل. "المرأة المصرية فى العملية التعليمية" مؤتمر "المرأة المصرية و تحديات القرن الحادي و العشرين" القاهرة، يونيو ١٩٩٤.

(E) Population issues related to women's access to resources and services

Al-Hibri, Aziza, Daniel Maguire and James B. Martin-Schramm. "Religious and Ethical Perspectives on Population Issues." Religious Consultation on population, reproductive health and ethics. 1993.

"Assessment of Quality of Family Planning Services in Egypt." Occasional Paper No. 2. Cairo: CAPMAS. 1992.

Central Agency for Public Mobilization and Statistics (CAPMAS). The Egyptian Fertility Survey. Cairo: CAPMAS, 1980.

Central Agency for Public Mobilization and Statistics (CAPMAS) and UNICEF. The State of Egyptian Children. Cairo: CAPMAS and UNICEF, 1988.

Cochrane, S., K. Mehra, and I. Osheba. "The Educational Participation of Egyptian Children." In Egypt: Demographic Responses to Modernization. Ed. A. Hallouda, S. Farid, and S. Cochrane. Cairo: CAPMAS, 1988.

"Effective and Comfortable: a summary of findings from family planning research in Egypt." 1988-93.

Egypt Service Availability Survey1989: Availability and Accessibility of Family Planning and Health Services in Rural Egypt. Cairo: Cairo Demographic Center, 1991.

Egyptian Fertility Care Society (EFCS). "Report on a Study of the Management Aspects of Family Planning Service Delivery." Mimeo. Cairo: EFCS,1990.

El-Kady, A., S. Saleh, T. Jane, J. Stanback, Potter and M. Hage. Maternal Mortality in Giza. Egypt. Draft report: National Population Council, Cairo, Egypt. 1989.

Hafez, Sahar. Women and Abortion Law in Egypt. Third International Conference for Women (Realities and Choices). Hunter College . New York: USA, 1990.

Hallouda, A., S. Amin, and S. Farid. The Egyptian Fertility Survey, 1980. Four Volumes. Cairo: CAPMAS, 1983.

Hassan, E. and M. Fathalla. "Broadening Contraceptive Choice: Lessons From Egypt." Population Council Symposium on Family, Gender, and Population Policy: International Debates and Middle Eastern Realities, Cairo, 7-9 February 1994.

Ibrahim, S. "State, Women, and Civil Society: An Evaluation of Egypt's Population Policy." Population Council Symposium on Family, Gender, and Population Policy: International Debates and Middle Eastern Realities, Cairo, 7-9 February 1994.

Kafafi, Laila, Karen Hardee Cleaveland, Maha El-Assiouty and Win Brown. "Family Planning Operation Research Program." Final project report. April 1992.

Khatab, Hind, Huda Zurayk, Nabil Younis and Olfia Kamal. "The Policy Series in Reproductive Health." No. 3. Field methodology for entry into the community. 1994.

Lane, S. "Gender and Health in Rural Egyptian Households." In Towards More Efficacy in Women's Health and Child Survival Strategies. Ed. I. Sirageldin and R. Davis. Balimore: Johns Hopkins School of Hygiene and Public Health, 1992.

Macleod, Arlene Elowe. "Accommodating Protest and the Reproduction of Inequality." Accommodating Protest: working women, the new veiling and change in Cairo. Columbia University Press: New York, 1991.

Moktar, A. and E. Mostafa. "Family Planning." Paper presented at the National Conference on Findings of Egyptian Maternal and Child Health survey, Cairo, 7-8 September, 1992.

Naguib, Nora Guhl and Cynthia B. Lloyd. "Gender Inequality and Demographic Behavior." (Egypt). Population Council: New York, 1994.

Nawar, L. "Selected Social and Economical Indicators on Women's Situation in Egypt." In Demographic Analysis of 1986 Census Data Vol. 2. Cairo: CAPMAS,1991.

Nawar, L., C.B. Lloyd, and B. Ibrahim. "Women, Autonomy, and Gender Roles in Egyptian Families." Population Council Symposium on Family, Gender, and Population Policy: International Debates and Middle Eastern Realities, 7-9 February, 1994.

Omran, A. Family Planning in the Legacy of Islam. New York: Routledge, 1992.

"Population Growth and Our Caring Capacity." The Population Council issue papers. 1994.

"Program of Action of the Conference." International Conference on Population and Development. Cairo, 5-13 September, 1994.

Rugh, A. Family in Contemporary Egypt. Syracuse: Syracuse University Press, 1984.

Sayed, H., M. Osman, F. El-Zanaty and H. Way. Egypt Demographic and Health Survey. Cairo, Egypt. National Population Council, 1989.

Sayed, H., F. El-Zanaty, and A. Cross. Egypt Male Survey 1991. Cairo: Cairo Demographic Center,1992.

Sayed, H., F. El-Zanaty, and N. Guhl. The Quality of Family Planning Services in Egypt Pilot Study: Final Report. Unpublished draft. Cairo: Cairo Demographic Center, 1994.

Toubia, Nahed. "Female Genital Mutilation: a call for global action." Women's Ink.: NewYork, 1993.

"Unsafe Abortion and Post-Abortion Family in Africa." The Mauritius Conference. International Planned Parenthood Federation, Africa Region. 1994.

"Unsafe Abortion and Sexual Health in the World." Damascus Conference. 1-3 December 1992.

"The Women's Caucus." The International Conference on Population and Development (ICPD). Recommendations on bracketed text in the draft program of action of the ICPD. 15 August, 1994.

World Bank, World Population Projection 1992 - 1993. Edition: John Hopkins University Press, Batimore & London, 1993, P. 33.

Younis, N., H. Khattab, H. Zurayk, M. El-Mouelhy, M. Amin, and A. Farag. "A Community Study of Gynecological and Related Morbidity's in Rural Egypt." Unpublished paper, 1992.

El-Zanaty, F.H., H.A.A. Sayed, H.H.M. Zaky, and A.A. Way. Egypt Demographic and Health Survey, 1992. Cairo: National Population Council; Calverton, MD: DHS / Macro International Inc. 1993.

Zurayk, H., H. Khattab, N. Younis, M. El-Mouelhy and M. Fadle. "Reproductive Health and Reproductive Morbidity Concepts and Measures With Relevance to Middle Eastern Society." International Union for the Scientific Study of Population Committee on Population and Health and Center for Applied Demography Institute of Statistical Studies and Research: Cairo University, 4-7 November 1991.

Zurayk, H., N. Younis, and H. Khattab. 1994. "Rethinking Family Planning Policy in Light of Reproductive Health Research." Population Council Symposium on Family, Gender, and Population Policy: International Debates and Middle Eastern Realities, 7-9 February, 1994.

خطاب، هند أبو السعود. المعاناه الصامتة: جوانب من الظروف الاجتماعية المحيطة بصحة المرأة الانجابية في ريف مصر. ١٩٩٢.

سيف الدولة، عايدة وأخرين."مجموعة الحقوقالانجابية"لجنة تعزيز دور المرأة في المجتمع

(F) Availability of Information on Women's Legal Rights

Khafagy, F. "Equal Opportunties for Girls and Women in Egypt." Paper Presented at the Fifth Annual International women's Rights Action Watch Conference, New York, 20-22 January, 1990.

Madkour, M. S. "Egyptian Women in Action." Paper Presented at the Fifth Annual International Women's Rights Action Watch Conference, New York, 20-22 January, 1990.

حسين، عزيزة، منى ذو الفقار وأخرين. "الحقوق القانونية للمرأة المصرية بين النظرية والتطبيق" ١٩٩٣.

عبد المنعم رياض، فؤاد. "ضرورة تحقيق المساواة القانونية بين الاب و الام في نقل الجنسية المصرية الي الابناء." القاهرة، ١٩٩٤.

نجيب، فتحى."عدم الوعي بين النساء بالحقوق الممنوحة" مؤتمر "المرأة المصرية و تحديات القرن الحادي و العشرين." القاهرة، يونيو ١٩٩٤.

Manuals and Pamphlets

Hall, Joana and Laila Fahim. Village Health Manual. 2nd edition. (in Arabic). Trans. by Emad K. M. Boctor. Institute of Cultural Affairs.

Hamza, Amel and Sunita Pitamber. Training Manual on Women Law and Development. Ahfad University for Women: Sudan, July 1993.

رمسيس، نادية. حياة المرأة و صحتها.١٩٩١ .

ORGANIZATIONS PROFILE

WOMEN, LAW, AND DEVELOPMENT IN THE NEAR EAST: LEGAL AND REGULATORY CONSTRAINTS TO WOMEN'S PARTICIPATION IN DEVELOPMENT (MOROCCO)

BY PROFESSOR *FARIDA BENNANI*

FACULTY OF LAW, MARRAKESH

Translated by: A. Karim Hamdy

Edited by: Laura Rice

ACKNOWLEDGEMENT

This publication was made possible through support provided by the Office of Women in Development, Bureau for Global Programs, Field Support and Research, and the Morocco Mission of the United States Agency for International Development, Under Cooperative Agreement N°: PDC-0100-A-00-1135-00.

A.I.D. funds provided for the activities described in this report have not been utilized for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference or training in connection with the growth or production in countries other than the United States of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States.

129

TABLE OF CONTENTS

UNIT I:	**The Legal Study**	**4**
Introduction		**5**
Chapter 1:	**The Effect of the Code of Personal Status on Women's Participation in Development** 1.1 The Social Condition 1.2 The Economic Condition	**8**
Chapter 2:	**The Legal and Regulatory Constraints to Women's Participation in the Workforce** 2.1 The Right of Married Women to Work: A Special Case 2.1.1 Business Law 2.1.2 The Law of Obligations and Contracts 2.2 General Laws Regulating the Right of Women to Work: Equality and Discrimination--Salary and Struggle 2.2.1 Government Service Regulations 2.2.2 Labor Law	**18**
Chapter 3:	**The Political Rights of Women**	**32**
Chapter 4:	**Women and Education--A Step Toward Emancipation**	**37**
Chapter 5:	**Women and Family Planning**	**41**
Chapter 6:	**Availability of Information on Women's Legal Rights**	**43**
Conclusion		**46**
Endnotes		**49**
UNIT II	**Bibliography**	**54**
UNIT III	**Associations and Organizations Dealing with Women in Morocco**	**63**

UNIT I:

THE LEGAL STUDY

131

INTRODUCTION

The legal texts that regulate the various aspects of social life for Muslim women in Morocco are characterized by their abundance and diverse origins, on the one hand, and by their lack of harmony and their internal contradictions, on the other. First, there is the Constitution--the highest law of the land--and next to it, there are sets of legal rules, each organizing one aspect of women's social lives and rights within and outside the family. Some of these laws include texts relating to married women only. The schizophrenic nature of these texts is blatant and clear when they are analyzed in their entirety: there are constitutional texts granting women equal rights to men and, juxtaposed to them, texts that shake that prinicple of equality, making of women beings who never reach maturity, regardless of their qualifications and abilities. And thus, the legal framework concerning women's status in Morocco oscillates between equality and discrimination, which means that it is founded, at one and the same time, on both these contradictory principles.

This lack of harmony between the stipulations of these legal texts can be explained mainly by the diversity of their origins and the differences in the societal conditions at the time of their formulation. In this context, we can identify three juridical sources: (i) legislation inspired by French law during the period of the Protectorate; (ii) legislation inspired by Islamic law [Fiq'h]; and finally, (iii) legislation influenced by trends in comparative law and international conventions.

It should also be noted that women's status in Morocco is not regulated only by written legislative texts, but by other sources as well, which contribute to defining their status. Among these other sources are traditions and inherited customs which still survive in one form or another in many aspects of women's social life. And there is also occasional recourse to the

interpretations of the Maliki school of Fiq'h in cases where there is no clear ruling in the Moroccan written texts, particularly in relation to the family. And finally, there is the real life experience lived by women. This lack of harmony--if not outright contradiction--exists between these unwritten sources themselves, as well as between them and the written legislation, and between the Moroccan legislation and international conventions, including the ones ratified by Morocco.

And there is no doubt that the schizophrenic legal status of women represents the most important constraint to development as it prevents women from effective participation in the various forms of development--social and economic as well as cultural and political. Indeed, real development should not be limited to the implementation of more and more economic projects to increase production, rather it should be fundamentally social and cultural, designed to promote balanced human beings. Just as development is a function of the amount and type of financial investment, it is also related to the improvement of human capital. Real wealth in a society is not measured by the material means available to it, but more fundamentally by the human resources capable of inventing and creating this wealth and of maintaining it.

The current situation shows that 50 percent of the human capital in Morocco is at present neither tapped nor cultivated. Women's opportunities to develop the main characteristics of mental health are stunted. One is allowed, then, to ask: What kind of women does this schizophrenic legal system create? Even more, what kind of men? And consequently, what society and what development?[1]

Given the above, the main concern of this study will not be the analysis of the legal status of Moroccan women, nor will it be the examination of all aspects of women's status as minors, set forth in legal texts, nor will it be the identification of areas of equality and of discrimination between men and women in those texts.[2] Rather, based on the five principal topics suggested in the scope of work, our concern will focus on legal and customary constraints which prevent Moroccan women from participation in the various forms of development. In view of the

limitations on length for this study, the focus will be on the areas of discrimination and equality between men and women in their roles as spouses/citizens, and on the social realities involved in addressing change and development in our society.

Because the social and economic status of women within the family affects their economic, cultural and political status in the public sphere, we prefer to start with the second topic, suggested in the scope of work, in order to analyse the effect of the Code of Personal Status on women's opportunities to participate in development. Then, we move on to the remaining topics of the scope of work.

Chapter I:
The Effect of the Code of Personal Status on Women's Participation in Development

What conception of woman does this legal text want to institute, and is it an adequate conception for this stage of Moroccan society? Is it adequate considering the requirements of development? And consequently, we must ask what is the social and economic condition of women in the text/and in the family. Does her status in the legal text have an effect on her status within the family? Isn't the role played by these dimensions of her status extremely important in defining the position which women occupy in Moroccan society? Doesn't this entire conception of women limit their participation in development? We will try to answer all these questions briefly by analyzing the social and economic conditions of women within the family.

1.1 The Social Condition

The Code of Personal Status[3] is a legal text which does not embrace contradictory conceptions of equality and discrimination as do the other legal texts (which will be addressed later). It is much worse; it stands out because it institutes the cruelest forms of discrimination between the two sexes. In it, women are minors who never reach maturity, and this is not surprising as the Code reproduces the patriarchal family model as it has been developed by mankind. Although the space constraints of this study do not allow the listing of all the areas of discrimination and inequality between the sexes in this legal text, one can clearly say that in it inequality starts from the time one thinks about raising a family and choosing a partner, and it continues between the partners until the end of the conjugal relationship, or even beyond in the cases where there are children.

The legal model of married women presented to us by this text is one in which women are chosen but cannot choose, are asked for in marriage but cannot themselves ask. They do not

attend the contract ceremony to express their will, except in the case of adult women whose fathers are dead. If a woman's father is available, she no longer enjoys the right to sign the marriage contract, and she has no choice but to relinquish it to her guardian. So, the model posits women as minors who will never reach maturity, who are not expected to apply reason but are led by their emotions, who were created with weak minds so they cannot lead their families and manage their financial matters and moral conduct, who are beings whose bodies are weak so they cannot engage in financially rewarding activities, and thus are in need of being supported and taken care of, who do not leave their homes except out of necessity or as authorized by their spouses, who are obliged to obey, submit, and take care of their homes, who do not share with their husbands the custody of their children, nor the decision-making related to their education and rearing--who do not gain that right until after the husband's death or loss of competency, and even then, who as mothers cannot make decisions about the property of minors, except by permission from a judge--whose husbands can divorce them at will, or even delegate the authority to divorce them to someone else, and whose only right in this case is to appear and register but not to sign, whose appearance can even be done away with, if they receive a summons and do not show up when the husband insists on divorcing.

In addition, wives don't have the same right as husbands to end marital relationships.[4] If they want to divorce, they have to go through the judicial system, and base their request on one of five causes determined by the law, and for which procedures are complicated, and proof is always hard to come by. So, even in those cases, divorce requested by women is rarely granted, and requires years of waiting.

So, does this social-legal status of married women allow them to contribute to development? These human beings, who are considered perpetual minors, whose natural abilities are not acknowledged, who have no dignity, whose mental and physical abilities are assumed to be weak and limited, who cannot make decisions on their own on basic and crucial aspects of their lives--are they capable of participating in the various areas of development? Can they create wealth and maintain it?

Does't this legal-social condition of women reflect on their status outside their homes? How will these women participate in building a society, if they don't participate in building families? How effective will their participation be in political, social, cultural, and economic life, if they are deprived of the material and moral right to participate in family life? Why would they be granted the right to vote, to legislate, to make decisions on the destiny of an entire people, if they cannot make decisions about their own private lives, and about the future of a microcosm of the people--their own children? And, in return, doesn't their inferior status in the public sphere have a deleterious effect on their economic contribution to the family?

Before concluding the discussion of the social condition of women, we have to note that despite the passage of many centuries since Islam came to Morocco, certain customs and traditions predating Islam still exist, in one form or another, in various aspects of women's social life. These surviving customs and traditions, inherited from the patriarchal family model, impose a set of special rules, such as the "guardianship" of men over married women, the prevention of women from exercising parental authority, male leadership of the household, including the granting of absolute power to husbands in the area of divorce, and other rules which we will address in the section on the economic status of women. These customs and traditions, inherited from the patriarchal system, still have a clear effect on the social status of women outside the family.[5]

1.2 The Economic Condition

Given the husband's status in the patriarchal family, he has the right of possessing property, and the sexual division of labor has exacerbated this situation. The wife is required, according to the Code of Personal Status, to take care of the home and take charge of household matters. And indeed, she is required not only to carry out these household tasks but also to help the husband outside the home in doing farmwork and caring for livestock and poultry. She does not get any compensation for all this work, aside from her sustanence as a member of the

household. Thus, the woman has lost any opportunity of engaging in income-making activity and also has no personal property.

Based on binding rules of customary law, and not on texts of the [Islamic] Sharia, the wife is required to take care of the tasks involving the running of the marital household and to assist her husband outside the home; and based on customary law again, but not on the Sharia, she is required to do this work without pay, and consequently, because of customary law, the woman is prevented access to sources of income. In compensation for those activities, she gets her daily sustenance which ends with the end of the marital relationship by divorce or death. She does not get a share of the husband's wealth nor of the money accumulated during marriage, money which she helped to earn. Would justice not be done here if she were to get a share of all the monies earned by the husband, from the date of the beginning of the marriage until its end, in return for the work she did during that relationship? Or, is her contribution not productive work with an economic value worthy of compensation other than sustenance?

Work considered to contribute to social development and to national production is work that produces exchangeable economic value. Only salaried work, then, is considered as having economic value. Because services done by the wife in the home are not rewarded with a salary, nor are her activities on the farm or in handicrafts--which are considered part of her household responsibilities or an extention thereof, they are not viewed as social and economic contributions, nor are they recognized as productive efforts that contribute to society.

Official statistics, collected about our society, define economically active individuals as only those who have salaried jobs or are looking for them. Because women in the home are not compensated for their work, a large number of them are categorized as inactive; the work they do is not considered productive and is not recognized by the language of economics, and hence, is not taken into account by national statistics.

The 1971 census considers housewives inactive, so statisticians categorized nearly three million Moroccan women as inactive individuals because they work in the home. On the other hand, the 1982 census considers as inactive every person who does not work, or who is not looking for work--in other words, every person who cannot be included in the category of active/working or unemployed--and it considers housewives as inactive inhabitants. In this way, statisticians categorize 4,341,981 women as housewives.

However, this latter census is distinguished from the previous ones by a special feature. It categorizes housewives who do housework per se, such as cooking and cleaning and the like as inactive. On the other hand, it classifies those who do work which contributes to the income of the family, such as homemade handicrafts and farmwork, as active--as helping hands working without compensation for the benefit of the family members.

But, in spite of all that, the fact remains that this category of women, who were considered active and were given the "honor" of entering the productive workforce, still does this work without pay. Their activity was and still is considered a part of the women's household responsibilities, just like that of "housewives" who take care of the marital home also without pay.

If we wanted to measure the economic return of household work in our society, we would have to ask ourselves what total gross income per month would need to be disbursed to 4,341,981 women, who are housewives, were their housework contracted for. All we need to do is a simple arithmetic computation, based on the minimum wage, to find out that billions of dirhams in capital are saved by the state, and by husbands, thanks to this process of mobilizing women to work without pay in the homes. In spite of that contribution, housewives are put in the inactive category along with students, old people, the disabled, and retirees; and their important role in economic production is not recognized. It is clear that without women's unpaid work in the home, the capitalist economic system would collapse.

In short, discounting women's productivity in the home is a denial of their humanity. Not paying them for household work is a violation of their basic economic rights. So recognizing that housewives are a productive economic force--entitled to equal pay--grants them human dignity, as productive members of society, not consumers.

The Code of Personal Status is silent when it comes to the financial rights of widowed or divorced women, who would have spent a good part of their lives working for the household and assisting their husbands as is customarily required of them. So, once divorced or widowed, how would these women obtain financial resources of their own which they could dispose of freely?

In Paragraph 4, section 35 of this Code,[6] it is stated that marriage has no effect on the spouses' wealth; each spouse has control over the property he or she brought into the marriage. Women have full right and freedom after marriage--if mentally competent--to manage their own wealth, including selling, buying, donating and renting. No prior consent of the husband is required. So, marriage does not alter a woman's right to dispose of her own wealth. The Code is, thus, in conformity with Islam which acknowledges the civil status of women and their right, like that of men, to dispose independently of their wealth for their human and economic well-being.

But, a more careful reading of this same Paragraph,[7] in the light of the stipulations of Section 36, defining men's rights over women, reveals that:

-first, marriage does have an effect on women's freedom of action. While the Code protects the interests of independently wealthy women, who control their wealth and run their own businesses, hence contributing to economic development, it does not take into account the rights of poor women, whose only source of potential income is their labor. Considering the number of wives in Morocco who own and manage wealth, we realize that this Code protects only a miniscule segment of Moroccan wives. Yet the rules of this Code are only a legal/theoretical acknowledgement of women's rights, the implementation of which, in practice,

is impossible--for it is unreasonable to expect that a wife, who is the legal dependent of her husband, could dispose of her own wealth freely. The fact that the Code requires women to obey their husbands and to take care of the household, renders these acknowledged rights meaningless, and demonstrates the extent of the contradiction between these two sections of the Code.

-second, disposable wealth which a wife can manage independently comes only from wealth acquired before marriage, from property granted her in the context of contracting marriage, or from inheritance, will, or gift after marriage. It cannot come from income earned from carrying on business or doing wage labor. In the latter cases, we are dealing not with wealth that is hers to dispose of, but with income that is linked to her person and her status as a dependent who owes obedience to her spouse.

If we except gifts and wills--which have become rare nowadays--women's only wealth is what they obtain in contracting marriage, such as furniture, clothes and household goods. In requiring the husband to provide these goods, the Code has attempted to change customs and traditions prevailing in some parts of Morocco, where women were required to have a full trousseau by the time marriage was contracted. The stipulations of the Code, however, are only theoretical, as customs die hard and the trousseau is still required in both urban and rural areas. Hence women go on taking responsibility for what ought to be the husband's duty in a legal sense, and thus, in their preparation for marriage, women go on providing goods that the man ought legally to provide. The influence of custom and tradition in society is, indeed, stronger than that of legislation, and it deprives women of a source of income.

As for inheritance, in many regions of Morocco, giving a share of it to the female is a rare and exceptional case. Women themselves end up accepting this situation because their requesting a share of the inheritance is viewed as unbecoming and contrary to the principles of custom and tradition. In some regions, marriage contracts include a non-inheritance condition so that the husband cannot claim his wife's share. In spite of the stipulations of Section 296, the Code of Personal Status did not succeed in putting an end to the custom of limiting the right of

inheritance to men.[8] So, due to custom, women are denied inheritance, and hence they lose yet another source of income. Is there, then, any other source of income available to women to earn money, such as wage labor?

Returning to the Code of Personal Status, we find that it doesn't clearly address the right of women to engage in wage labor, nor their right to invest and increase their wealth outside the home. It doesn't even clarify their right to be self-employed at home. For example, regarding putting conditions in the marriage contract, the Code states in Section 38 that: "it is acceptable, in the context of contracting marriage, for a woman to request permission to work in government service." It also states in the previous Paragraph of the same Section that "a woman has full freedom to dispose of her wealth independently from the husband, because the husband has no right of control over it."

The stipulations of this Paragraph of the Code relate to a wife's right to dispose of her wealth, a right that does not extend to self-determination of her person. Indeed, given that the stipulations of this Code require a wife to obey her husband, and given the fact that engaging in an employment contract is linked to her person, we can conclude that in contracting employment a woman is required to obey her husband. Her engaging in such arrangements could represent an infringement on the husband's right within the marital union, which includes the wife's presence in the house and her taking care of the children and maintaining the home. So, if she wants to engage in wage labor outside the marital home, she is required to get the husband's consent. The husband has the right to annul a contract if the wife engages in it without his permission, because such an action on her part is related to her person and not to her wealth.

Regarding the practice of trade by women, the Code is silent. In fact, it defers to the Maliki madh'hab [a religious school of jurisprudence] and to its special section concerning the duties of a wife. The rulings of this madh'hab grant the husband the right to prevent his wife from leaving the home, and hence from engaging in trade and becoming a businesswoman. Thus the

husband is the only one qualified to grant or deny permission to the wife. In order for a business to succeed, it requires the person engaging in it to be fully dedicated, and that contradicts the wife's duty to take care of the home. Consequently, the husband's authorization is necessary if a wife is to engage in trade outside the home.

On the other hand, when a woman engages in business and manages invested money, or works for pay while staying in the home, the same madh'hab stipulates, in theory, that the husband has no right to prevent her from doing so, on the condition that such activity on her part does not cause him any damage or infringe on his rights. Yet because success in such activities would mean a woman's dedicating most of her day to them, and because these time-consuming activities might lead to her failing her other duties, and hence infringe on the husband's rights over her, the husband has the right to prevent her from engaging in those activities. We may conclude, then, that the husband's consent is necessary even in this case when the wife does not have to leave the home.

According to Section 38 [of the Code], the wife does not have the right to work outside the marital home--in government service--unless she set this as a condition in the marital contract. Indeed, the wife's work is not addressed by the legislation except as an arrangement that could be requested by the wife, and which does not contradict the spirit of the marital contract. In addition, the concept of "in government service" remains vague because it is not possible to define categories or types of work included in it, and hence it is not clear which types of activity the husband would be allowed to object to because they contradict the spirit of the marital contract. The question then becomes: Does a condition set by the wife, allowing her to work, contradict the legal spirit of the marital contract? And if a wife has set such a condition, would she be allowed to refer to it in the case of litigation?

It is clear that the provision in the Code that allows women to set permission to work as one of the conditions of the marriage contract is contrary to the spirit of her marital obligations including her taking care of the home. Also, by returning to the Maliki madh'hab deferred to

by the Code, we find that the husband is not obligated to respect the conditions he accepted in the marriage contract. We can conclude then that the Code of Personal Status does not grant the wife the right to engage in a profession, even in government service, without prior consent of her husband.

In summary, the husband controls his wife's options because, legally and customarily, the various modes of income earning remain off limits to her. In addition, wealth that she could dispose of freely--excepting gifts and wills--is not there in the first place, as it also is subject to the husband's consent. Consequently, the wife loses every means of earning income, hence of earning private wealth, and thus remains by law, economically dependent on the husband.

Many of the problems faced by women, within and outside the family, when they exercise their social and political rights, are linked to the above-mentioned economic issues. The total effect of this state of affairs is that it creates a set of constraints to women's effective participation in the various aspects of development. Aren't these limitations/constraints, instituted by Islamic law--and adopted by Moroccan legistators--curtailing the wife's liberty, the product of a particular set of historical conditions, specifically those of the eighth century AD? And, haven't they been rendered obsolete in the context of the social conditions prevailing in a developing country like Morocco in the last decade of the twentieth century? Haven't women given the lie to this legal and ideological conception of themselves as unproductive beings, as being who are taken care of, as beings who consume but do not produce, as beings without a role in the development taking place in their country? That is what we will address in the remaining sections of this scope of work.

Chapter 2:
Legal and Regulatory Constraints to Women's Participation in the Work Force

The right of women to work, as one of the basic human rights, is regulated in Morocco by a set of laws. The Constitution, the highest law of the land, outlines this right in Sections 12 and 13 and institutes a principle of equality between men and women concerning their right to be employed in government jobs and official positions, and their right to work in general. Co-existing with the Constitution, there is a set of laws which oscillates between equality and discrimination. So, in addition to equality as a founding principle to the set of laws, discrimination is also present, at times clearly, at times disguised in the form of protective provisions concerning women. Finally, there are texts within this legislation that address specifically the right of married women to work. In the final analysis, we find two concepts of woman in the context of work: the woman who is equal to man and then the woman who is not equal to man; the married woman versus the "woman in general" (i.e. the unmarried, divorced or widowed woman, and also the married woman who has been granted the authorization to work). In the light of this set of dual concepts, we will address first the constraints embodied in the laws regulating the right of married women to work. Then, we will address the laws that regulate this right in the general case.

2.1 The right of married women to work: a special case

2.1.1 Business Law

Section 6 of this Law[9] states that: "the married woman in Morocco is not authorized to engage in business without the consent of her husband, notwithstanding the pertinent provisions of the Code of Personal Status. In addition, Paragraph 5 of Section 4 of the Edict of 1 September 1926, which made the registration of business activities by individuals and companies at the business office mandatory, requires a woman to have her husband's authorization to register and engage in business.

Based on that, legislators have clearly banned married women in Morocco from engaging in business[10] without their husbands' consent, and regardless of the provisions in the Code of Personal Status germane to this question. The legislators grant the adult woman competence to handle her own affairs before marriage, but limit it once she is married. So, an unmarried woman, once she reaches the age of majority is free to engage in business, and enjoys then a legal status equal to a man's, but once married she becomes dependent--not qualified to engage in business--and in need of her husband's authorization to do so and to register at the business office. In fact, according to the letter of the law, the Moroccan woman, once she reaches her majority, is considered competent except in cases of mental illness or perjury, just like the Moroccan man. Indeed, the legislators, according to the rulings of Paragraph 2, Section 3 of the Law of Obligations and Contracts, did not discriminate between the competence of women and men. In addition, the Code of Personal Status cited only two definitions of legal incompetence: being a minor or committing perjury (Section 135).

Hence, marriage reduces a woman's competence in the eyes of Moroccan Business Law under which she is subject to regulations similar to those applicable to supervised minors. She is, then, subject to the withdrawal of consent at any time. This means there is some kind of continuity between the texts of Business Law and those of the Code of Personal Status, regardless of the fact that the former are taken from nineteenth-century French law. In France, these laws were amended in 1965, while in Morocco they are still in force in their original form. These stipulations in Section 6 led most sectors of society to call for their amendment and for the repeal of the rule of consent, considering that they represent a constraint to women's participation in development, and that they prevent a large proportion of married women from participation in the economic development of society. The authors who proposed new legislation simply eliminated the provisions of Section 6; this legislation, however, is still in draft form. Is the amendment of Section 6 sufficient to liberate women from the consent rule, if pertinent Sections of the Code of Personal Status are not amended as well? The fundamental amendment that is required should affect the texts which regulate the economic

status of the wife within the marital household, and then those other texts which define her status outside the home. Amending the latter without reviewing the former would not liberate the wife from the consent rule; the consent of the husband would remain necessary for her to engage in business, and thus would continue to represent a constraint to women's participation in development.

2.1.2 The Law of Obligations and Contracts

Section 726 of this Law states that: "a married woman is not to engage in providing childcare or other types of services without the authorization of her husband, who has the right to annul any contract she enters without his consent." So this section is clear about the fact that a married woman is not to provide services to third parties without her husband's authorization; i.e. the text does not rule out the possibility, but it makes it contingent upon the husband's consent! And if a married woman does provide services to a third party without the husband's consent, he has the right to void the contract she signed. Consent is implied in these cases--as in the case of minors--even if it is not specifically spelled out. In practice, it is always considered that the consent has been granted--until the husband expresses opposition.

In light of the above, it is clear that the status of a married woman, as defined in these texts, is the same as the status of a minor who cannot engage in any economic activity or participate in the workforce without the consent of a guardian. Where is, then, the principle of equality instituted by the Constitution? And is there any harmony between the provisions of the Constitution and those of the other laws regulating a married woman's right to work?

It is important to note that while the legal discourse in general sets the husband's consent as a condition on a wife's right to work and earn money, the husband has forfeited this authority in practice because of his inability to fulfill his legal role as provider for the family, and because of the collapse of his purchasing power and a concomitant rise in the cost of living. So the question of consent is not an issue in real practice at present. But, in the case of conflict between the spouses on this issue, written legal texts prevail.

It is clear that if a husband gives up the right of consent, it is because his wife's work is, for him, the only solution to the economic problems he faces. So, if a wife engages in wage labor or in business, as a result of difficult economic conditions in general, it is accepted reluctantly by the male mentality as an unavoidable necessity to restore the economic equilibrium of the family.

It is stipulated in the legal discourse that a wife has the right to dispose of her wealth with complete independence and without interference from the husband; religious law posits that this freedom extends not only to monies gained through inheritance but to income earned by the sweat of her brow. In practice, however, husbands reject this interpretation and, by placing great economic importance on the wife's income, create an altogether different dynamic within Moroccan families, a dynamic which overrides the stipulations of the Code of Personal Status.

So, while he may give up his right of prior to consent his wife's working, the husband maintains his "right" to benefit from her income because she and her time are owned by him. Having conceded to her his say over her right to work, he does not, however, accept her right to dispose freely of her wage, which he now thinks he should control. Thus, the wife is in fact economically producing in the home and outside, constantly busy, spread between the home and the work place, and is doubly exploited, which is not surprising in the context of a legal system that has not liberated women from the status of "object" "owned" by men. Who is the consumer, then, and who is the producer?

The legal discourse, as well as the various dominant discourses in society, define the role of a wife as that of a consumer and image her as an unproductive being, who is provided for and who leads a life of economic dependency on the husband. A married woman has, in fact, always been productive; her work in the household, however, has been taken for granted. Her work is not valued economically because she is not paid for it; its economic value has not been acknowledged as being part of the productive activity of society. And hence, a married woman is not herself acknowledged as being part of the workforce.

A productive member of society who is part of the workforce is defined as one who does work that has an exchange value. Married women today are generally involved in such paid work and are indeed members of the workforce. Furthermore, the number of women who do this work, or who are looking for it, is constantly increasing, as will be shown later. This state of affairs in itself reveals the contradiction between the roles of the spouses, as legally and ideologically conceptualized, and their roles in real life. It also reveals the gap between the legal constraint that requires a woman who wishes to work to obtain her husband's consent, considered to be the key to the wife's opportunity to earn an income and accumulate wealth, and the high and ever-increasing number of wives in the job market and in the workforce, not only without consent, but even at their husband's urging.

But even considering all that, it is the husband who holds the legal sword. He has the full right to brandish it in his wife's face, and even use it, whenever a conflict arises over her salary or her exhaustion due to the double day (at home and at work), by preventing her from leaving the home or by annulling the contract she entered into without his express consent. And this is a constraining yoke placed on the wife's neck which--if used--limits her participation in the workforce. In addition, the situation of working a double day reveals what an exorbitant price women pay in return for so-called modernization with all its flaws stemming from the conditions of inequality in the countries of the third world.

2.2 General Laws Regulating the Right of Women to Work: Equality and Discrimination–Salary and Struggle

When a married woman has been authorized by her husband to work and joins the workforce, she is subject to the same laws that regulate the right of women to work in general, and these are government service regulations and Labor Law.

2.2.1 Government Service Regulations

In the early years of independence, Morocco issued the Decree of 24 February 1958, the basic law concerning government jobs, which regulated employment in the public administrations. This decree instituted the principle of equality between the sexes, a principle that has been restated by all subsequent Moroccan legislation.

The 1958 Decree states in its first section: "Every person of Moroccan nationality has an equal right of access to public jobs under this law, without discrimination based on sex, with the exception of special stipulations stated in this law and in related legislation." Thus, with the exception of the reservation stated in this last sentence, and in conformity with Section 12 of the 1992 Constitution which states that "all citizens are entitled to jobs and official positions in public administration and they are equally subject to the same requirements to qualify for them," there is no discrimination between the sexes in obtaining these public positions or thereafter in the performance of them. The Decree of 1958 does not discriminate between the sexes when it defines requirements for applying for public positions, nor does it discriminate between them in their right to obtain and to carry out this employment.[11] Indeed, the female public employee enjoys the same legal rights as her male counterpart in matters of salary, ranking, promotion, official holidays, transportation and retirement, etc.

It is important to note here that, because of administrative and social reasons, the same Decree instituted a number of special provisions for female public employees, among which are: maternity leave set at ten weeks paid leave, including four before delivery, and also a special arrangement for one hour leave per day, for twelve months after delivery, to allow for breast-feeding; the right to a two-year unpaid leave to care for a child under age five, or for a handicapped child who requires long-term care; the possibility--if certain conditions obtain--to benefit from the status of "head of household," which grants her the right to receive compensation for dependent children; the right to a retirement pension, to seniority, to a share of the pension of a deceased husband--this provision is reciprocal--and this portion of the pension is, in all cases, equal to 50% (i.e. one half) of the retirement pension that the deceased

husband was getting or would have been entitled to[12]; and she benefits as well from her husband's guaranteed salary and from compensations for dependents and health coverage, etc.

But, in spite of this circumstance of equality with men, there is still unjustified discrimination related to stereotypes about women, such as their inability to engage in certain types of work.[13] In addition, the status of women within their families and their submission to the sexual division of labor follows them into the public sphere. Indeed, their work in government service is constrained by a traditional distribution of roles or by a tribal [gendered] division of the work space. There are, for instance, types of work reserved for men and others reserved for women, although actual practice has witnessed a change in the traditional division of labor, and women have, in fact, engaged in work which was in the past the sole domain of men.

In spite of basing the Public Administration Employment Law--and the Constitution--on the principle of equality, Section 1 of this Law, in its final Paragraph, grants the possibility to breach this principle, as it states: "There is no difference between the two sexes during the implementation of the provisions of this basic Law, except for provisions stated herein, or specified in related basic laws".[14] The related basic laws referred to here, which contradict the Public Administration Employment Law, are both numerous and diverse, and include clear discrimination between the sexes based on the "natural" division of labor between them. There is, for example, the Royal Decree of 1967 organizing government jobs in the postal service, and the telegraph and telephone systems, which reserves the task of mail distribution to men and the task of controller to women. It also stipulates that "due to the nature of certain occupations they will be restricted to one sex or the other." There is also the Royal Decree of 1975 organizing the national security sector, the Royal Decree of 1967 organizing the customs office, and the Royal Decree of 1977 organizing the fire department, which exclude women from those jobs.

If we limit ourselves to the Public Administration Employment Law, we find, in spite of the principle of equality stated in it, that in practice women rarely reach high positions of

responsibility and decision-making, nor are they appointed to high public or political office. Their obtaining these positions is still more the exception than the rule, because traditions and customs still have a strong effect on the attainment of these positions. Women, in general, occupy secondary administrative positions such as that of assistant. 53.7 percent of public employees ranked below grade 5 are women. In the bracket of grades 5 to 8, 36.6 percent are women, while only 9.6 percent of employees grades 10, 11, and above are women.[15] Also, women's benefits and compensations differ from those of men; housing and car allowances are, in the majority of cases, given only to men with the excuse that men occupy posts of high responsibility, generally out of reach for women. While we find that male public employees pass tests for promotion quickly, their female colleagues, being divided between the demands of home and those of the workplace, do not even sit for the promotion tests in most cases for lack of preparation time.[16]

While male public employees have full freedom to travel on business either within the country or abroad, we find that their female counterparts are constrained by the rule of the guardian's or the husband's prior consent. This rule is a requirement, in practice, for travel within the country and, administratively, for travel abroad, as obtaining a passport requires this permission for women. And last but not least, female public employees were granted, by a law approved by Parliament in October 1991, the "benefit" of early retirement after fifteen years of effective service, while the rule is twenty-one years for males?!.

In summary, public administration is, indeed, the main government institution employing the largest number of active citizens. It is also clear that the educational level reached by women has qualified them to gain access to all fields of employment. While the proportion of women in public administration jobs represented only 16.6 percent of the total in 1979, by 1986 it was 28.5 percent, and it reached 30.8 percent in 1991. Had it not been for the above-mentioned legal, regulatory and ideological constraints, by and large based on traditions and customs inherited from the patriarchal family and society, the change between 1986 and 1991 would not

have been so small. The percentage of women in public employment in 1991 would have been significantly higher.

2.2.2 Labor Law

The Moroccan Constitution institutes the principle of equality between the sexes with regard to the right to work, to become a member of any labor organization, and to go on strike. In the context of, women enjoy the same rights as men in regard to: working hours; weekly and yearly holidays; sick leave; absence for family reasons; salary; compensation for job-related accidents and illnesses; health care provided by the labor administration; pay for long-term disability, seniority and old-age pensions. In addition to that, women have the right to maternity leave and time for breast-feeding, and the Decree of 1962 established the rules concerning setting up breast-feeding rooms, their equipment, oversight and compliance with health specifications. Further, Labor Law exacts stiff penalties and fines for any employer who annuls a job contract because of the employee's pregnancy or delivery.

Before signing an employment contract, women have the right to a professional and vocational training period. Indeed, the legislators have intervened to organize the vocational training sector, including both training programs within companies (optional or mandatory) and training programs provided by the government through its network of vocational schools within the various ministries and public institutions[16a]--overseen by a high commissioner's office. Labor Law requires every industrial enterprise with fifty or more workers to train its workers before signing any contract with them, if the prospective employee has not had previous training in the position in question. In addition to this provision for equality, a number of protective measures related to women's health, and to the preservation of good morals, have been legislated. Labor Law, for example, does not allow the employment of women at night (i.e. between 10 pm and 5 am) nor does it allow their employment in underground work in mines and quarries, or in cold storage lockers. It also sets a maximum weight limit on what women--and youngsters--are asked to carry, pull or push. Another decree cites a list of dangerous types of work that are off limits to women--and youngsters--and a list of jobs with restrictions such as

maintenance and lubrication of heavy machinery as well as cleaning and repair of machines that are in operation. Furthermore, it is illegal to employ [pregnant] women in work places that are prohibited to youth under sixteen, and it is also illegal to employ women during the first six weeks after they have given birth, in these work places that are off limits due to danger of fire, noxious dust or risk of poisoning.

Added to these protective measures concerning women's health, a number of other measures have been taken to uphold good moral conduct including banning employment of women under age 21 in places that make or sell prints, books, posters, or pictures that are considered to encourage immorality, even if these items are not illegal according to the penal code. It is illegal to employ women in the production or sales of prints or posters, the sale, presentation or posting of which is punishable by law because of their prurient content. Finally, the law requires of those who want to employ women in bars and restaurants to make a special application which includes "a certificate of good conduct."

The principle of legal protection should not be disputed because every citizen is entitled to legal protection. And, basing sections of the law on the principle of the protection of health and the upholding of morality, as well as the protection of pregnant and breast-feeding women, is acceptable. The protection of women in these legal texts, however, includes also some negative aspects that should be pointed out: first, there are the cases where men are also in need of protection, as there is no clear distinction between a male or female employee's health in a noxious, dusty environment; protection in these cases should be provided for both sexes. Second, and most importantly, women are put in the same category as youth under sixteen. So all these texts, when they refer to women, refer also to minor children who are considered to lack responsibility for themselves because their ability to discern and make judgments is not fully developed. So, do Moroccan legislators believe that women lack discernment and are in need of the same kind of protection as children?[17]

These protective measures represent one form of discrimination, based on considerations related to how women are perceived, to the "natural" division of labor between the sexes, to ideologically masculinist/patriarchal legacies. This discrimination limits the participation of women in the above work sectors, and hence in the workforce in general. Otherwise, this health and moral protection would have been extended to both sexes without distinguishing between dangers that threaten the health of women and men.

The existence of discriminatory provisions in Labor Law mean that the provisions of equality are not embodied in practice. Also, the view of women in the eyes of the law as incompetent persons, not responsible for themselves, translates, in the workplace, into reduced rights, including lower salaries for women. This is the case despite the ratification by Morocco of the Convention 100 of the International Labor Organization, which stipulates the principle of nondiscrimination between the sexes with regard to pay. Although vocational training has become nowadays an urgent necessity and is organized by the government, women still perform unskilled labor not requiring a high level of education (uneducated women represent a high proportion of working women; three out of five working women did not have any educational degree in 1991) which does not pay more than a minimal wage. For example, more than half of working women in urban areas in 1986 were working in the textile industry and represented 62.8 percent of the workforce in this sector . Women represent 56.5 percent of the workforce in domestic service. On the other hand, the proportion of women in sectors that require technical training is limited to 1 percent in maintenance, 2.8 percent in electricity, gas and water, and only 8 percent in construction and public works.[17a]

Rural women who do not have access to general and vocational education get involved in animal husbandry (53.4 percent) and crop farming (54.4 percent). Among urban working women, 47.1 percent are professionals and 23.4 percent are in the fields of manufacturing and services, while among rural women 76.4 percent work in agriculture. If Moroccan women in urban areas have entered many fields including the professions and education (27.9 percent of women), administrative work (25.3 percent of women) and business (6.2 percent of women),

the number of rural women in these fields is almost nil[18] because all fields of work that require prior qualifications, and in particular education, remain closed to rural women. That is due to several factors, the most important of which is the widespread illiteracy among rural women. According to the 1982 Census, up to 95 percent of rural women were illiterate, while 57 percent of urban women were, which attests to the marginalization suffered by rural women because of priorities given to human and economic develoment in urban areas at the expense of rural areas which lack appropriate development initiatives.[19]

Truely, the increasing entry into the workforce of women/wives from various social classes is one of the main aspects of change experienced by Moroccan society in general, and one of the most radical changes in terms of its effect on the family in particular. In the 1971 Census, 15 percent of women were classified as active/workers. This proportion increased to 20 percent in the 1982 Census; and in 1986, it had increased to 35 percent. According to *Femmes et condition féminine au Maroc [Women and Their Condition in Morocco]* published in late 1989 by the Bureau of Statistics[20]: women represent now an important resource in economic development. In 1986, we find that women represent 26 percent of the workforce in urban areas and 48 percent in rural areas. Over all in Morocco, 35 percent of active individuals are women; so, for every two active males, there is one active female. And according to another statistics book, published by the same Bureau on the same topic in 1992, Moroccan women are now present in all social and economic fields; and none of these fields is closed to their participation. This book concludes that the participation of Moroccan women in development has become a given and irreversible social fact which has brought about important changes in Moroccan society. Marriage, according to this book, does not represent--as it did in the past--a constraint or an obstacle to married women's work in urban areas, as their proportion increased from 23.8 percent in 1971 to 32.5 percent in 1986.

And indeed, the entry of women into the workforce reflects a development in the status of women in Morocco today, modern Morocco in which women's work has become a commonplace social reality. When we consider a recent publication of the Bureau of Statistics

(*Yearly Statistical Survey of Morocco, 1993*),[22] it is clear that Moroccan women's participation in most spheres of economic activity, aside from being an unavoidable fact, has become an indicator showing that the call for the return of women to the home and their leaving the workforce is unrealistic.

In fact, working women's income represents now a major component of the household economy and of the family standard of living. Through paid work, married women have proven their economic existence, thus destroying the legal conception that they are unproductive beings, dependent beings who are consumers without output. Truely, women's work is a major step toward their self-fulfillment, including developing their potential and their participating in the progress of the nation.

. . . And truely . . . and truely . . . But at what cost, what physical and psychological expense, what pain?

The achievement of effective results from women's work will not be easy in the absence of adequate conditions enhancing it. So, if the fact that women have left the home to engage in wage labor suggests progress in their social status, that does not mean that all Moroccan women work in conditions that protect their humanity and their dignity. This leads us to other aspects touching on women's condition in our country; among the most important of which, perhaps, is the set of inequities that are embodied in women's condition, such as the gap between urban and rural women, and between educated and uneducated women.

These inequities greatly affect the status of Moroccan women, making the majority of them either illiterate individuals who engage in lowly work or individuals with average education that has prepared them for lesser jobs. At the same time, a minority of women--principally urban--has the benefit of higher education and excellent employment. But, there are common aspects among them, in spite of the above-mentioned differences, which put them all under the same rubric, characterized by general features such as the marginalization inherited from

157

traditional society, the benefits--in various degrees--of the modernizing course of Moroccan society, and finally, the qualitative suffering from women's condition as it stands. Indeed, when women engage in wage labor this does not necessarily mean a change in roles within the home, i.e. between the spouses, because married women who work remain spread between duties at home and at work.[23] So, for them the burdens of the working woman and the burdens of the traditional woman are compounded, and they live at one and the same time under the conditions of the working woman and those of the dependent female. The latter close for them the opportunities to benefit from the potential of the working woman for self-fulfillment and improvement of her status--that is, if they do not choose simply to quit work outside the home because it is impossible to fulfill the demands of both. This explains why women's activity is relatively high until age 34, and it decreases rapidly after that.[24]

In summary, modernization and industrialization which take place in the absence of the development of human resources actually increase discrimination between the sexes and exclude women from productive activity; and the schizophrenic nature of the law leads to a situation that is, in reality, not propitious to the inclusion of women in the course of development.[24a]

Chapter 3:
Political Rights of Women

Section 8 of the Constitution decreed that: "every citizen, male or female, has the right to participate in elections if he or she has reached the age of majority and has his or her civil and political rights." Based on this Section which is the only one in the Constitution which deals with the political rights of women--or for that matter with the status of women as a whole--one can say that from the legal point of view women are considered to be equal to men in regard to political rights. From its inception (1962), the Constitution instituted the principle of equality between men and women to enjoy these rights, including the right to participate in elections (i.e. the right to vote).

Thus, and although this Section is the only instance in the Constitution which addresses this issue, its importance in defining women, as citizens fully endowed with political rights, is critical.[25] Consequently, its stipulations are considered a significant gain, particularly because it insists on the principle of full equality between women and men in this area.

In actuality, however, aside from the right of women to vote, their legally acknowledged political rights are not reflected in practice. Acting in the political sphere is considered a male prerogative and doing politics is reserved for males; decision-making positions are male-dominated. A cursory look at the results of elections clearly demonstrates this fact. In the local elections of June 1983, there were only 307 women candidates out of a total of 54,165 candidates. Of those, 43 women were elected. In the legislative elections of 1984, only 16 out of 1,366 candidates were women. No women were elected. And in the recent local elections in 1993, 1,086 women ran for office within a total of 93,000 candidates (to compete for 22,526 positions). 75 women won. In the most recent legislative elections, for the first time, two women were elected to Parliament.

How, then, can we explain this reality, this scant number of women in elective office, as proven by statistics? Are legal texts ahead of their time? How do the recognized legal rights of women in constitutional texts become reduced, in practice, to the right to vote . . . no more than mere electoral votes vied for on election day? Isn't the scant number of women candidates proof of their weak presence in political parties? And so, what are the barriers to their participation, and isn't the weakness of their presence an indication of the limited commitment on the part of political parties themselves to nominate women and encourage them to participate in the public sphere? And finally, can't we consider this limited presence of women candidates a resistance on the part of political parties to the threat of a female invasion of the political sphere?[26]

This phenomenon is due to a number of causes. On the one hand, there are cultural, economic and sociological causes; and on the other hand, legal ones--in spite of the fact that the above-mentioned constitutional text opens horizons to women's participation in the political arena.

Among the first constraints or hurdles which confront the candidacy of women, whether in local or parliamentary elections, we find the widespread illiteracy among working women, the multiplicity of their daily chores in practical life (regardless of legal provisions), their weak presence in the ranks of political parties, their absence from decision-making centers in government, their inadequate representation in political institutions, and--and this is what is important in my view, even if the other causes are not unimportant--the still prevalent belief within a large segment of the population that the main and only role of women is to take care of the home and raise children, that the private sphere is her domain, while the public sphere belongs to men and is reserved for them. Consequently, the political field is a male domain, not a female one, which prevents women from being elected when they are nominated. The lack of trust in women's capacity to engage in public matters and to make political decisions is prevalent, which makes political parties themselves--for fear of losing elections--prefer nominating men rather than women. This, however, does not negate political parties'

shameless vying for women's votes, and thus dealing with women simply as part of the numbers game, given their weight in the electorate.

On the other hand, the legal hurdles and constraints are embodied in other legal texts which reinforce the inferiority of women in the economic and social fields. These aspects were addressed earlier in the discussion of the Code of Personal Status and the Law of Contracts and Obligations, and business law, etc. Indeed, these laws which define the status of women in fields other than the political (defined by the Constitution), and which do not take precedence over the Constitution, are dominated--as we have seen--by the principle of inequality between the sexes. This creates a contradiction between them and what is stated in the highest law of the land, i.e. the Constitution, concerning equality between the sexes in participation in the political field, in the ability to assume all types of employment and public positions, in the creation of associations and membership in labor and political organizations, and in access to education and work.

This contradiction represents one of the main constraints which denies women the full benefit of the positive provisions decreed by Section 8 of the Constitution.

In addition to these hurdles and constraints facing women running for office, we find that women rarely go beyond the nomination stage (as shown in the above-mentioned statistics) to become elected officials. Indeed, the number of women in local councils is low, and in Parliament even lower (only 2 women). Also, the presidency of municipalities is de facto limited to men, as is leadership in political parties--where women's participation is nearly inexistant, regardless of political orientation, left or right. So, while men held the position of president of municipal councils, women "occasionally" held the position of vice-president. For example, in one of the districts, a woman received the highest number of votes, but the parties refused to appoint her president of the council. This incident can be only explained by their belief in her inferiority and by their lack of trust in her abilities, which dictated their interaction with her).[27] Centers of power have been appropriated by men, despite the fact that when we

look at women's activity within municipal councils through their interventions during regular sessions, we discover that they have a deep understanding of their responsibilities, even when their presence is considered just a formality.

In summary, the political rights granted by the Constitution to Moroccan women are reduced, in practice and reality, to their exercising the right to vote. In addition, there is a contradiction between women's importance and their weight in civil society, on the one hand, and their exclusion from the political sphere, on the other. Indeed, the discrepancy is clear when we compare the achievements of women in our country in various fields of work to their miniscule role in the field of politics. Consequently, in order for women's legal rights to be meaningful in practice, there is a need to remove all obstacles and constraints which prevent women from effectively enjoying their constitutional rights; among these obstacles and constraints are, as we stated earlier, the various laws that reinforce women's inferiority. In fact, political and constitutional equality is not meaningful, if there is no effective equality between the sexes in social, economic, cultural and family life. If that is not the case, political equality decreed by the Constitution remains denuded of any meaning, as we have seen from the negative repercussions evidenced at the practical level.

Furthermore, until there is a change in the mentalities and attitudes of men toward women, and in their views of women's roles and prerogatives, and until there is a change in the laws that reinforce women's inferiority, and in order to encourage women's running for elected councils, election laws have to be amended: in particular, the set rules which govern electoral activity, of which the ballot process is the most important. Indeed, the ballot process at present represents an obstacle to women's candidacy because it asks the voter to choose between individual [gender-identified] names, rather than between lists that would include both men and women.

The question of the political representation of women, while it is dependent upon particular political regimes, exists as well in the broader framework of political development. Thus, if

our political reality calls for the need to develop our capabilities and our resources with the prospect of changing the condition of women, it is because this prospect is part of the broader framework of achieving effective political development and supporting true social liberation.[28]

Chapter 4:
Women and Education--A Step Toward Emancipation

What is the impact of women's education on the availability of their political and economic opportunities? As we have already noted, there is no doubt that education was one of the most important factors leading to change in the status of women in Moroccan society, because it is their principal weapon in gaining access to the various fields of activity in society, including the political and economic. At the same time, we explained that the limited participation of women in political life, and their absence from the decision-making centers of the state, and their minimal representation in political organizations such as parties, government, and parliament, is principally due to their unpreparedness; they are not armed with what it takes to open the doors of this arena, the arena where the struggle that counts takes place, the arena of politics which is still dominated by men, who, in comparison with women, have at their disposal the weapons of knowledge and economic power.

Granted, the Constitution has given both sexes the right to education, but this constitutional right is not embodied in practice. Indeed, women's illiteracy remains high. According to the most recent official statistics, gathered in 1982, the level of women's illiteracy was 78 percent while men's was 51 percent. In urban areas, 57 percent of women were illiterate versus 30 percent of men; among rural women, who illustrate the deprivation of the right to education more than urban women do, the illiteracy rate was about 95 percent, compared to 68 percent among rural men.

It is a fact that the illiteracy rate--in urban areas in particular--has decreased since 1971 when it was 74 percent. It is also a fact that 42.4 percent of women in urban areas could read and write in 1982. But in spite of that, illiteracy was widespread in the ranks of women, especially in rural areas where 94.6 percent of them didn't know how to read or write, i.e. about nine women out of ten were illiterate. And illiteracy is still widespread among women as proven by

the statistics presented by the Ministry of National Education[29] which show a clear pattern of discrimination between the sexes with regard to the right to education. The policy of mandatory education is still far from being generally practiced, especially in villages, where social and economic conditions and the remoteness of schools, as well as the lack of food service at schools and means of transportation, prevent girls from attending even primary school.[29a] Would women who are illiterate exercise their right to vote responsibly? Would they know, when voting, which candidates would effectively defend their interests? Would they declare their candidacy in elections, after having been convinced that the public sphere, or politics, is the domain of men, with no role for women in it? Would they grant their votes to candidates of their gender, and place their trust in them, when, on a daily basis, they are told that women are lacking in reason and religion? When they run for elections and win even, what background prepares them to discuss projects and decisions, and how do they participate in planning and design, and with what weapons can they defend their interests and solve the problems they face everyday in the family, at work, and in society in general?

Women who are armed with the weapon of knowledge are the ones who can impose the recognition of their existence and express their opinions and defend women's issues and interests within the political parties they belong to, or in Parliament--issues which are not defended by most political parties as they are considered as less important priorities. Educated women are the only ones who can participate in thinking, planning and decision-making, so these activities do not remain the exclusive domain of men--men thinking for women, planning for women, making decisions for women who, in return, only to follow orders. Through knowledge and education, women transform themselves from objects into agents--into independent beings. Consequently, women who benefitted from education and gained knowledge opened many horizons to themselves; they are the ones who were able to express their opinions and participate in the conduct of political life, both in intellect and in practice. On the other hand, the majority of women are still far from enjoying their full political rights, due to the constraint of illiteracy.

What we have said about the impact of education on the political opportunities open to women is also true of its impact on economic opportunities. Indeed we demonstrated above that due to the lack of educational background and of vocational training, women are concentrated in low-wage activities. Also, the widespread illiteracy in rural areas leads to the concentration of active women in unpaid work. This makes of Moroccan women a neglected and untapped resource. Education and training are the basis for the transformation of women from ignored potential, to a human resource, to competent agents in the economy, to productive human beings, in the areas of economic development and social progress.

Indeed, as human resources, Moroccan women have competencies they could use if armed with the weapon of knowledge required for modern development. Education is the main factor which changed women's position in the landscape of the workforce in Morocco today, a change brought about by women's engaging in education at all levels and obtaining degrees qualifying them to enter the various fields of work. The rise in the educational level of women leads to their insisting on the right to work and on participation in the workforce. Earning their own incomes liberates women from economic dependency on fathers and husbands, and alters perspectives on the interaction between the sexes. By contributing to the income of the household along with their husbands, married women are transformed from dependents into providers; decision-making and management of the household become shared responsibilities between the spouses, a reality today in the case of nuclear families of the petty bourgeoisie. So, thanks to the new economic status of these women, the attitude of men toward them (especially their economic potential and their participation or exclusion from decision-making), has become a defining factor of social class in Morocco.

For this reason, the education of women has become a basic and pressing necessity, calling for a focussed educational policy in order to combat the dangerously widespread illiteracy, in the rural areas in particular, which has an impact on the economic condition of women in general.

It should be noted that, in spite of the pandemic spread of illiteracy in the ranks of working women, these women have become aware of their legal rights at work. Through the lived experience of conflict on the job and attempts by employers to strip them of their rights or prevent them from effectively exercising them, working women have become capable of defending these rights and insisting on them, including going on strike, even at the risk of losing their jobs. Unfortunately, in other areas of life the majority of women do not know anything about their legal rights regarding their situation within the family or outside.

Chapter 5:
Women and Family Planning

Given the findings above, there is no doubt that the main reason for the high level of illiteracy among women is the high birth rate. The rise in women's educational level leads without doubt to a rise in women's ambitions and makes them define themselves within their families and in society through activities beyond procreation. Educated women prefer productive [paid] work, and in order for them to make that possible and to lessen the burden of their family responsibilities, they are more responsive to family planning and home economics programs, to birth control and to extending intervals between births.

There is no doubt also that high fertility, without careful planning, is harmful to the health and well-being of individuals and of the family and preempts development plans, particularly in poor areas. It represents a dangerous constraint to the social and economic progress of society, whereas limiting fertility improves the chance of successful development plans, and is beneficial to women's health. The basic way to achieve birth control is to educate women and encourage them to find fulfillment in work and production. What is, then, the situation of Moroccan women in this regard?

Thirty years ago, family planning as a topic was taboo within the Moroccan family. This explains the level of difficulty faced by the family planning program that was started in 1967, which abrogated the law of 1939 banning information about birth control methods or their distribution. The acceptance of family planning programs by Moroccan women has constantly increased since that time. Indeed, in the span of eight years, between 1979 and 1987, the percentage of women using birth control has increased significantly, from 12.5% to 35.6%. Also, while family planning was previously limited in Moroccan society to traditional methods, modern methods of contraception are now being accepted and used by women in increasing numbers. Looking at research conducted in 1987, we find that 97% of women respondents knew about birth control pills, 80% knew about diaphrams, 77% knew about tubal ligation to

prevent pregnancy. More than half (58.9%) used birth control pills, 8% used diaphrams, 2.2% had tubal ligations.[30] The number of women using birth control methods in 1986 was 432,170, while it was only 133,815 women in 1979; this represents a 223% increase.[31] In 1992, 440,785 women used birth control for the first time, and 2,238,711 women continued to practice birth control.[32] At the same time, the number of family planning centers went from 315 in 1979 to 457 in 1985; these centers specialize in distribution of birth control means and in providing related care. In addition, all dispensaries, health care centers, and general hospitals also provide this type of care.[33]

In light of the above, it is clear that family planning programs which started in 1967, have succeeded in attracting more women to use birth control, leading to a decrease in the per capita fertility rate from 7.20 in 1962 to 7.10 in 1967, to 5.74 in 1982, to 4.46 in 1987, and to 3.59 in 1991. But, in spite of that, this rate remained high in rural areas as opposed to urban ones. Whereas in the latter in 1982 this rate was 4.29, it was 6.59 in rural areas. And, while the fertility rate in urban areas was 2.85 in the period 1986-88, it was 5.97 in rural areas.[34] Does this mean that the traditional rural economy, in which children are regarded as workers, as unpaid farm hands, is still dominant? Or is it due to the fact that rural women have no access to family planning clinics or hospitals, where family planning care is available?

In fact, there is some truth in both explanations. In rural areas children are still used as unpaid labor in the family economy, but the remoteness of some rural areas from health clinics, dispensaries, and local hospitals also prevents women from having access to this care, because of the long distances and high transport costs. For these reasons, more efforts and planning should be done to achieve targeted expectations in the reduction of fertility rates: 2.74 in the year 2000 and 2.11 in 2010 (with an average of 2.11 in urban areas and 4.84 in rural ones for the year 2000; and 2.10 in urban areas and 4.12 in rural areas in 2010). Given the significant decrease in government spending on public health, can we expect family planning to be spared in order for these ambitious goals to be achieved?

Chapter 6:
Availability of Information on Women's Rights

It is possible to learn about the legal rights of women in Morocco by reading the general legal publications which analyze and discuss the Code of Personal Status, in order to identify women's rights within the family. One can also read a number of general legal publications addressing the various other Moroccan laws in order to identify civil, economic, cultural and political rights of women. More analyses and information are available in sociological studies which have been conducted with regard to the Moroccan family. There is also academic research which dealt with these issues.

In addition to all these sources which require some time to read, if one wishes to know about women's rights, there are special publications which either address all the legal rights of women, i.e. their status in general, or are limited to some aspect of women's status, thus addressing women's rights in a specific field. Added to all that, there also are published essays in legal journals and periodicals, in special serial publications, in general national magazines and newspapers (some of which devote a weekly page to the topic), and in newspapers published by women's organizations (some of which have ceased publication, or are in the process of ceasing publication because of financial difficulties).

In order to improve women's knowledge of their legal rights, and to simplify information and make it more accessible to the general reader--given that most primary sources are addressed to the specialized reader--new books in serial form started appearing recently, short in length and simplified in style, which shed light on various aspects of women's status in Morocco. These book series are in two forms: first, single theme books by one author, such as the series "Moroccan Women--Tomorrow's Citizens," "Women and Institutions," and "Moroccan Women--Horizon 2000"; and second, collections of essays which include works on specific topics such as the series "Comparisons."

Because these references[35] are addressed mainly to educated people, Moroccan women's organizations have been initiating various extension activities--each according to their financial means--to improve women's knowledge of their legal rights and to raise the awareness of the general public about these rights. Among the activities organized by women's groups we can cite conferences, panels about themes related to women's condition, general meetings and demonstrations to raise the awareness of the public about laws that are unfair to women, about discriminatory values and practices, and about the right of women to participate in development. These groups also organize legal extension activities and literacy courses, and they publish studies and research reports on these topics.[36]

In addition to these activities conducted by women's organizations, there are research groups, some academic institutions, and a number of registered public interest associations who organize occasional conferences and panel discussions on topics related to the status of women or related to the family in general. Government ministries, such as the Ministry of Employment and the Ministry of Social Affairs, also conduct activities to promote the status of women and provide social services designed to raise the awareness of women and their orientation and training in various fields.[37]

As for the efforts to expand the base of women's legal rights or to reform it, there are women's groups and legal associations, as well as some sectors of civil society, that do not spare any effort or miss any opportunity to achieve these ends. They work: 1) to annul those legal texts which reinforce the inferiority and "minor" legal status of women, and those which prevent them from participating in the work force and in economic development, such as Section 6 of Business Law, and Section 726 of the Law of Obligations and Contracts; 2) to amend certain sections of legal texts which institute discrimination based on sex, as is the case in the Penal Code; and 3) to change, in general, all the laws which are unfair in the area of women's rights, particularly the Code of Personal Status. These groups are also pushing for constitutional reform. The amendments they are requesting include constitutional guarantees to protect women's rights and to insure effective equality between the sexes in all fields--political,

economic, legal, social and cultural. They also seek a consitutional commitment to eliminate all constraints preventing women from enjoying their full civil and political rights--a commitment existing in several Arab Constitutions. They are asking for the introduction of a special provision dealing specifically with the family and including a constitutional guarantee of the government's commitment to care for the family, mothers and children, through the setting up of adequate institutions, and by taking the necessary measures to make it possible for these institutions to carry out their missions.[38]

But the event which will be remembered in history is the initiative taken by two Moroccan women's associations in 1992 to demand the amendment of a number of sections in the Code of Personal Status[39] through a national petition campaign. The one-million-signature campaign, as it came to be known, spearheaded by theWomen's Labor Union will be remembered for a long time by Moroccan women, because of the various reactions that followed this campaign, such as the *fatwa* condemning it and accusing women who filled out and sent back the survey form of committing the crime of apostasy, a crime punishable by death if one does not repent within three days.[40]

While the demands and amendments to the Constitution have remained unfulfilled, the most recent request (and not requests) was answered with an amendment and a change in both the form and substance of the Code of Personal Status (this happened in 1993). But, these changes dashed the hopes expressed by those who made the demand.[41]

Conclusion

Women's reality in any society is a telling indicator in the judgment of their legal status, and of the actual level of social progress of the society. Indeed, the level of progress of a society can be defined by the level of progress of women, and its advancement is closely linked to that of women. Consequently, in order to determine the constraints to social development, we have to identify the constraints to women's development.

The reality lived by Moroccan women within their families is not reflected in the legal texts. Their new roles within their families are not acknowledged in law. In addition, the structural pattern of women's lives in reality is different from the pattern portrayed in the texts of family law which are shaped by customs and traditions inherited from the patriarchal family system. This system considers women as beings who cannot reach adult status and are not capable of making autonomous decisions. So, is this structural pattern an adequate one for this stage of Moroccan society? For the requirements of development?

The status of women within the family, which is defined not only by legal texts, but by still practiced inherited traditions and customs as well, is not just one of the constraints to effective participation of women in development, it is the main constraint, because this status has a clear effect on the social status of women outside the family.

In spite of the rights gained by Moroccan women as stated in the Constitution and in other related legal texts, which institute the principle of equality between the sexes in the matter of citizenship, there still is a gap between these texts and the opportunities provided women in real practice. There is also a vast area of discrimination faced by women which makes the original texts, based on the principle of equality, into mere form without substance. Consequently, discrimination prevents women from effective participation in the development effort and from contributing to their society, hence they remain an untapped resource.

In reality, this legal status is not the only constraint facing women in the various fields of development. Deep-rooted customs and traditions are also responsible to some degree for the current portrayal of women as backward and incapable of effective participation in modern life with its requirements regarding productive work in the economy, cultural activity in society, or assumption of responsibility in politics.

There is no doubt that the issue is not one of changing laws as much as it is an issue of changing prevalent customs and mentalities with all their ideology inherited from a masculinist system. In other words, legal reforms will not be sufficient to include women in development effectively. This requires a change in mentalities, a shaking up of traditions, customs and conventions in general; and truely, there is no value to law when prevailing mentalities thwart it. But, in spite of that, one should not discount the role of law which is a centrally important factor. We should not underestimate its role in changing these mentalities. The law is an accelerating factor in the development and transformation of these mentalities, leading them to accept equality of opportunity and interaction between the sexes, who are both capable of providing efforts for social development. While the stipulations of law reflect a given society at a given time, there is also a need for the law itself to evolve as society changes because the law has a crucial role in transforming society.

Let us then make the law an engine for the movement toward equality and parity of opportunity between the sexes. Without a doubt, it would take a long time if we had to wait for mentalities to change, and for traditions and customs in general to evolve, before legislators intervened--for when has democracy ever satisfied the privileged ones?

Finally, Moroccan women who represent half of society (and who will likely represent more) are an untapped resource. It is our belief that they are capable of contribution to and struggle for social welfare, progress and equality. It is our belief also that there is an organic link between women's issues and the development of their condition, on the one hand, and the course of development in society, on the other. Thus we maintain that women alone are

capable of liberating themselves from the yoke with which generations have burdened them, and from the way tradition has defined them. They alone are the ones who have to reach decision-making positions so that they make their own plans and decisions rather than having others make them for them. They must become agents rather than objects. They must participate in the development effort and in the modern workforce, in order to reach parity with men in all fields. And, as long as this change has not taken place, society will not be able to develop, as there is no development when half of society is paralyzed. Consequently, any development plan excluding women is doomed to failure. But if women are granted humanity, citizenship, freedom and democracy, as modern human beings, responsible citizens and trustworthy individuals, there is no doubt that they will participate in constructive efforts to develop society.

Endnotes

[1] Zineb Al-Moadi, *Woman Between the Cultural and the Sacred* (Casablanca: Fennec Press, 1992), 31.

[2] There are books and studies which have dealt in depth with these topics. See Bibliography.

[3] This is the law which defines the relationship between the spouses within the family. It consists of six books and was issued in five Dahir [decrees], the first one on November 22, 1957, and the last one on April 3, 1958. In 1993, some amendments to this law were made, touching on aspects both of form and content.

[4] Section 44 of the Code of Personal Status does have a provision allowing the wife to obtain the right to terminate the relationship, but at the same time, it doesn't clarify the ways of obtaining that right, nor does it specify how it should be implemented. Moreover, it is rare, if not unheard of, in real practice.

[5] For a thorough understanding of this point, I refer you to Ahmed Al-Khamlichi's article, "The Sources of the Laws Regulating Women's Status in Morocco," *A Point of View: Research Reports and Essays on Topics of the Code of Personal Status* (Casablanca: Annajah Al-Jadida Press, 1988), 255-280.

[6] It says that "Woman has complete freedom to manage her money without the husband's interference because the husband has no guardianship over his spouse's money."

[7] We made a thorough analysis of this passage in our book, *The Wife's Freedom to Manage Her Money: Legal Right and Legislative Constraints.*

[8] See Ahmed Al-Khamlichi (1988), 262-264. Because there are texts in the Koran which overtly point to women's right to inheritance, those who cling to the ideology of the patriarchal family pattern are forced to invent "legal" tricks to exclude women from inheritance. Among these tricks are: 1) the father may hand down his property to his sons while he is still alive; 2) he may limit the inheritance to male children only, adding female children with the condition that they have a need for their share, or add his daughters too, but just in case of need (this trick prevents female children from having access to and benefiting

from their shares if they are married--family support being the responsibility of their husbands; consequently, the family's wealth remains always in the possession of males; 3) female children are made to relinquish their shares to their male siblings.

[9] Dahir issued on August 12, 1913.

[10] A woman is not considered to be engaged in business "if her activity is limited to retailing her husband's merchandise." And "a woman is not considered to be engaging in business if she does not have commercial activity that is independent of her husband's" (Business Law, Paragraph 2, Section 7).

And when a woman is engaged in business, it is possible for her to make commitments with regard to her business matters without authorization from her husband. In this case, the wife's commitments engage her husband if they have common property (Business Law, Paragraph 1, Section 7).

Section 9 of this same law states that: "It is also possible for a business woman to manage her own real estate property, to use it as collateral, and to dispose of it. Her competency in this regard remains, however, bound by the rules of the Code of Personal Status which defines her condition and dictates financial arrangements in married life."

[11] For conditions about entering and being employed in public service, see Mohammed Al-Boukhari and Mohammed Al-Khlifi's *Public Service in Morocco,* 49 ff.

[12] Al-Boukhari and Al-Khlifi, 257 ff.

[13] Zineb Al-Moadi, *Woman Between the Cultural and the Sacred*, 23.

[14] These provisions are those stipulated in Article 4 of the same law.

[15] The statistics are taken from *Women and their Condition in Morocco* (Rabat: CERED [Bureau of Statistics], 1989), 109.

[16] In 1986, 20.5% of women government employees were married. *Women and their Condition in Morocco*, 111.

[16a] Professional education is divided into three sections: specialzation, skill building, technical training. In 1992-93, there were 183 centers in the public sector for specialization, enrolling 8,351 female students out of a total of 16,281 students. For the second section, there were 214 centers enrolling 6,911 female students out of a total of 27,546 students. As for the

technical section, there were 136 centers enrolling 8,669 female students out of a total of 26,175 students. So, over all there were 533 centers enrolling 23,931 female students out of a student body of 70,002. See *The Yearly Statistical Survey of Morocco, 1993*, 269 and 325.

[17] Zineb Al-Moadi, *Woman Between the Cultural and the Sacred*, 26-27.

[17a] Statistics taken from *Women and their Condition in Morocco*, 104-05.

[18] *Women and their Condition in Morocco*, 105.

[19] Fatima Zahra Azrawil, *Men, Women and the Difficult Change* (Casablanca: Fennec Press, 1992), 56-57.

[20] Azrawil, *Men, Women and the Difficult Change*, 99.

[21] *Women and Development in Morocco: Demographic Studies* (Rabat: CERED [Bureau of Statistics], 1992), 15, 136, 141.

[22] *The Yearly Statistical Survey of Morocco, 1993*, 376-378.

[23] Azrawil, *Men, Women and the Difficult Change*, 71-72.

[24] *The Yearly Statistical Survey of Morocco, 1993*, 374, and *Women and their Condition*, 111.

[24a] Zineb Al-Moadi, *Woman Between the Cultural and the Sacred*, 32.

[25] But Section 8 of the Constitution does not deal with women as citizens endowed with full civil, economic and cultural rights!?.

[26] Roukaia Moussaddek, *Women and Politics: Political Representation in Morocco* (Casablanca: Toubkal Press, 1990), 36-37.

[27] Moussaddek, *Woman and Politics*, 66.

[28] Moussaddek, *Woman and Politics*, 77.

[29] In 1992-1993, 1,085,834 females were registered in the first cycle as opposed to 1,568,794 males; 746,017 of these female students were in urban areas and 339,817 in rural areas. In the second cycle, there were 338,897 females as opposed to 482,450 males; 328,104 of these female students were in urban areas and 10,793 in rural areas. As for secondary schooling, there were 145,767 females as opposed to 202,231 males; 145,089 female students were from urban areas and only 678 from rural regions. For more details, about cycles and numbers of schools, see *The Yearly Statistical Survey of Morocco, 1993*, 273 ff.. Concerning

the change of these statistics between 1982 and 1991, see all statistical references previously cited.

[29a] In order to achieve the goals set by the Ministry of Labor and Social Affairs to reduce illiteracy among rural women, this Ministry is currently conducting a special project to eradicate women's illiteracy in rural areas through the use of mobile caravans, and also by the inclusion of literacy programs in farm cooperatives--in an effort to provide opportunities for rural women to benefit more from literacy programs which this Ministry coordinates. See the report published by this Ministry (1994) about its activities with regard to the promotion of women, 3.

[30] *Women and Development in Morocco*, 52 ff.

[31] *Women and their Condition in Morocco*, 75.

[32] *The Yearly Statistical Survey of Morocco, 1993*, 359.

[33] In 1993, the total number of dispensaries in urban areas in Morocco was 154, and in rural areas 1,037; and the number of public health centers in urban areas was 262 and in rural areas 230, of which 46 were rural hospitals. There were 33 local public hospitals and 6 regional ones. There were also 12 local specialized hospitals and 14 regional ones, as well as 12 national public hospitals. See *The Yearly Statistical Survey of Morocco, 1993*, 346-347.

[34] *Women and Development in Morocco*, 60.

[35] These books are available in most libraries and bookstores. See the Bibliography.

[36] For details about the means of each organization, see the list of associations and organizations annexed to this paper.

[37] These services are provided through specially designed programs. See the report issued by the Ministry of Labor and Social Affairs referred to above.

[38] See, for example, the paper addressed to the Coordinating Committee of the national political parties on the occasion of the conference organized by the Women's Labor Union on political reforms and published in the *March 8th* newspaper [Tranlators' note: no date, or page mentioned].

[39] Women's demands have generally focused on the prerogatives of guardianship in marriage, marital and child support, divorce rights, polygamy, and women's guardianship over children.

[40] To avoid the exploitation of women's issues during the period of electoral campaigning, particularly ones related to the demand to change the provisions of the Code of Personal Status (given especially that the One-Million-Signature campaign was launched during that period), His Majesty Hassan II, in his solemn speech addressed to the nation on September 8, 1992, announced a number of principles:

1-Women's issues are the King's issues, and he will defend them himself.

2-It is not within the King's prerogatives to make *halal* [permissible by religion] what is *haram* [forbidden by religion], nor to make *haram* what is *halal*, whenever the principle is clearly stated [in religious texts].

3-His Majesty asks women's organizations to submit their demands to him.

4-His Majesty has decided to establish a commission of theologians and legal scholars to study women's requests.

See *Al-ittihad Al-ishtiraki* newspaper [The Socialist Union Party newspaper], September 10, 1992.

[41] See these amendments in *The Code of Personal Status, and its 1993 Amendments,* edited and commented on by Mohammed Al-Kashbour (Casablanca: Annajah Al-Jadida Press, 1993).

UNIT II:

BIBLIOGRAPHY

BIBLIOGRAPHY ABOUT WOMEN

I. General References (in Arabic)

A. Books

Abboud, Rachid Abboud. *Personal Statutes*. Casablanca: Arrachad Press, 1965.

Al-Fakhouri, Idriss. *Marriage Law in the Code of Personal Status: A Comparative Study of the Countries of the Maghreb*. Casablanca: Markaz Al-Khadamat Al-Muttahida Press, 1993. [326 pp.]

Al-Fassi, Allal. *An Approach to the Interpretation of the Code of Personal Status*, Vols. I, II. Edited and revised by Abdel-Rahman Ben Larbi Al-Harishi. Allal Al-Fassi Foundation, 1986. [309 pp.]

Al-Filali, Abdelaziz. *Marriage in Moroccan Legislation*. Tetouan: Karima Diss Press, 1959. [189 pp.]

Al-Filali, Amin Abdelaziz. *Marriage in Moroccan Legislation According to the Code of Personal Status*. 2nd ed. Casablanca: Dar Al-Haditha Press, 1969. [180 pp.]

Al-Hilali, Ibrahim. *Notes on Islamic Jurisprudence in the Light of the Moroccan Code of Personal Status*. Marrakech: Al-Wataniya Press, 1987. [416]

Al-Iraki, Hammad. *An Interpretation of Moroccan Marital Law*, Vol. I. Casablanca: Molka Ikhwan Malakiya Press, 1965.

_____. *Legal Evidence According to the Code of Personal Status*. Casablanca: Arrachad Press.

Al-Kachbour, Mohammed. *The Code of Personal Status: Marriage and Divorce*. Casablanca: Annajah Jadida Press, 1991. [333 pp.]

_____. *The Code of Personal Status with the 1993 Amendments*. Casablanca: Annajah Jadida Press, 1993. [109 pp.]

Al-Khamlichi, Ahmed. *A Commentary on The Code of Personal Status*, Vol. I: *Marriage and Divorce*. 2nd ed. Rabat: Ma'arif Press, 1987. [478 pp.]

_____. *A Point of View: Research Reports and Essays on Topics of the Code of Personal Status (Change and the Family; Ijtihad [legislating by religious interpretation] between Theory and Practice; General Islamic Thought)*. Casablanca: Annajah Jadida Press, 1988. [359 pp]

Al-Qaadiri, Aboubakr. *In Defense of Muslim Women*. Casablanca: Annajah Jadida Press, 1990. [123 pp.]

Assoubai, Choukri Ahmed. *A Guide to Moroccan and Comparative Business Law*. Vol. III. Rabat: Al-Ma'arif Press, 1986. [480 pp.]

Ben Maajouz, Mohammed. *Legal Provisions Concerning Women in the Islamic Shariaa According to The Code of Personal Status*. Casablanca: Annajah Jadida Press, 1983.

Bennani, M. Said. *Labor Law in Morocco: Regulations in Individual Work and Professional Training Contracts.* 2nd ed. Casablanca: Moroccan Press, 1989.

Bennis, Khaled. *The Code of Personal Status: Birth and its Consequences, a Theological and Juridical Study* (choice of surname, adoption, custody, child and spousal support according to the laws of civil status). Rabat: Babel Press, 1989. [350 pp.]

_____. *Spousal Support Between Legislative Theory and Practice.* Rabat: Al-Ma'arifa Press, 1992. [133 pp.]

Chafi, Mohammed. *Family Law in Light of the Code of Personal Status.* Marrakech: Maghrebi University Press, 1993. [192 pp.]

Chahboun, Abdelkerim. *An Interpretation of the Moroccan Code of Personal Status.* Vol. I: *Marriage-Divorce, Ruling when Children are Involved.* Rabat: Al-Ma'arif Press, 1987. [503 pp.]

_____. *An Interpretation of the Moroccan Code of Personal Status.* Vol. II: *Competence, Guardianship, Wills and Inheritance.* Rabat: Al-Ma'arif Press. [518 pp.]

La'abidi, Ali. *Studies in Moroccan Business Law.* Rabat: Al Oumnia Press, 1966.

Mernissi, Fatima. *Sexuality as a Social Architecture: Between Text and Reality.* Trans. Fatima Zahra Azrawil [French to Arabic]. Casablanca: Fennec Press, 1987. [152 pp.]

_____. *Western Women: A Field Study.* Trans. Fatima Zahra Azrawil [French to Arabic]. Casablanca: The Moroccan Association of United Editors, 1985. [136 pp.]

Mikou, Abdennabi. *The Guide to Explaining the Code of Personal Status.* Vol. I: *Marriage and Divorce.* 1971. [Translators' note: n.p., n.d.]

Sabbar, Khadija. *Islam and Women: Reality and Prospects.* Casablanca: Ifriqiya Acharq Press, 1992. [143 pp.]

Zaki, Salaheddine. *Family Law in Islamic Jurisprudence and Moroccan Legislation.* Casablanca: Annajah Jadida Press, 1985. [311 pp.]

B. Articles

Abou-Saad, Mustapha. "Clarifications on Women's Work in Islam." *Al-Furqan*, 11 (1408, Hijra year [Islamic calendar]).

Al-Fakhouri, Idriss. "Spousal Support of the Working Wife between Islamic Jurisprudence and the Texts of the Code of Personal Status." *Al-Mayadin Journal*, [Oujda Law School], 3 (1988).

Al-Kattani, Idriss. "The Moroccan Family: Its Constitution, Traditions, Customs and Social Structure--an Anthropological Study." *[Moroccan] Journal of Scientific Research*, 7 (April 1966).

Al-Iraki, Hammad. "Divorce on the Grounds of the Husband's Absence." *The Journal of the Judges' Association* [Rabat: Wataniya Press], 5 (n.d.).

Al-Jababdi, Latifa. "Disintegration of the Family: A Healthy Development or a Negative Trend." *8th March Magazine*, NS 52 (1 March 1990).

_____. "The Horrible Exploitation of Female Carpet-Weavers." *Anwal* Daily Newspaper 28 April 1983.

_____. "The New Project of the Code of Personal Status: A Step Forward or a Step Backward." *Anwal* Daily Newspaper 10 March 1983.

Al-Khamlichi, Ahmed. "Rights in Need of Organization." *The Journal of the Royal Academy of Morocco, (*6 December 1989).

_____."The Triad Governing the Development of the Code of Personal Status." *Al-Mayadin Review*, [Oujda: Law School], 3, (1988).

_____. "Who has the Right to Sign on a Divorce Document?" *Al-Furqan*, 14 (May 1988).

Al-Khamlichi, Ahmed and M. Rachid Abderrazak. "Code of Personal Status, 25 Years Later." *The Moroccan Journal of Law, Politics, and Economy, 2,* 10 (1981).

Al-Moadi, Zineb. "The Moroccan Family and Geographic Change." *8th March Magazine,* NS 52 (1 March 1990).

Al-Mrini, Amina. "Some Comments on the Moroccan Strategy for the Promotion of Woman." In *The Rights of Maghrebi Women: Legal Texts and Universal Declarations.* Rabat: Al-Ma'arif Press, 1992.

Al-Mas'oudi, Al-Ayachi. "The System of Separation of Personal Wealth in Marriage: the Assumptions of the Law versus the Weight of Reality." *Economy and Society*, 4 (1988).

Assoubai, Choukri Ahmed. "A Comment on the Preparatory Draft to Establish a Code of Business Law in Morocco." In *Parliament and Legislative Practice in Morocco.* Casablanca: Toubkal Press, 1985.

Assoubai, Fatima. "Moroccan Women: Social Responsibility versus Regressive Mentalities." *Anwal* Daily newspaper, 18 November 1983.

Azrawil, Fatima Zahra. "Woman and Work in Modern Morocco: Reality and Development." *Ouyoun Al-Maqalat*, 9 and 10 (1987).

Bakour, Al-Mokhtar. "Competency of the Married Woman in Business Matters: Commercial Law Texts and the Code of Personal Status." *Al-Mayadin*, [Oujda Law School], 3 (1988).

Bennani, Farida. "Guardianship in Marriage: the Law, the Practice and Some Perspectives." In *Non-discrimination in Relation to Women.* Tunis: University of Tunis (Centre d'Etudes, de Recherches, et de Publications, CERP) in collaboration with UNESCO. Vol. XIII. 1989.

_____. "The Contribution of Housework in the Reproduction of the Labor Force." In *The Condition of Women and the Different Forms of Discrimination Against Them.* Fes: Fes Law School in collaboration with UNESCO, March 1987.

_____. "A Preliminary Reading of the Amendment Project of the Code of Personal Status." At the Maghrebi Demographics Association Conference, convened in Rabat, October 1993.

_____. "A Point of View on the Origin of Family Law in Arab Islamic Countries: A Background for the Discussion of Future Perspectives." At a conference organized by the General Secretariat of the Yemen National Committee of Education, Culture and Sciences held in Sanaa, Yemen, in collaboration with UNESCO, April 1993.

_____. "The Extent of Legitimacy of Violence within the Marital Home: A Critical Reading of Theological Justifications of the Husband's Right to Correct and Discipline [the Wife]." In *Woman and Violence* (in press).

Bennouna, Aïcha. "Woman and Work through Recent Official Statistics." *Anwal* Daily Newspaper, 10 March 1983.

Bouaiach, Amina. "Review of Research on the Condition of the Moroccan Woman." *Ab'hath Journal*, 7 and 8 (Winter 1985).

Chafi, Mohammed. "Aspects of Difference in Personal Status Codes in the Countries of the United Arab Maghreb." *The Moroccan Journal of Economics and Comparative Law*, 13 (1990).

Dahaoui, Mina. "The Effects of the System of Polygamy on Woman's Condition." *Al-Mayadin*, [Oujda Law School], 3 (1988).

Khammas, Fatima. "Female Farmworkers in Western Morocco: Exploitation and Social Oppression." *8th March* Newspaper (Feb. 1986).

Mernissi, Fatima. "The Evolution of the Modern Moroccan Family: the Collapse of the Authority of the Father and the Emergence of the State as a Substitute." *Journal of the Liberal Arts*, [Rabat Faculty of Liberal Arts], 2 (1978).

Mernissi, Fatima and Malika Al-Balghiti. "The Moroccan Rural Family: Attitudes toward Tradition and Modernity." *Athaqafa Al-Jadida Journal*, 23 (1982).

Mezgharani, Mohammed Ben Ma'ajouz. "Some Criticisms of the Code of Personal Status." *Al-Al-Mayadin*, [Oujda Law School], 3 (1988).

Moussaddek, Roukaia. "Political Rights of Women." In *The Rights of Maghrebi Women: Legal Texts and Universal Declarations*. Rabat: Al-Ma'arif Press, 1992.

Sadouk, Mohammed. "Impressions on Spousal Support of the Estranged Wife." *The Attorney Magazine* [Marrakech: the Attorneys' Council], 2 (1980).

II. Specialized Sources (in Arabic)

Alaoui, Fatima. *The Economic Role of Women in Rural Areas.* 2nd ed. Women's Collection, 1982.

Al-Fakih, Ahmed. "The Issue of Women's Work: The Condition of the Working Woman in the Framework of Moroccan Social Law." Thesis. Rabat Law School 1989.

Al-Houssaini Taj-Eddine, Mohammed. *The Status of Women in Moroccan Law.* Booklet published by the Moroccan Family Planning Association, n.d.

Al-Marani Alaoui, Kenza. *The Moroccan Family: Continuity and Change.* Rabat: General Principles of Social Science Series. Vol. II. Attajdid Press, 1986. [179 pp.]

Al-Moadi, Zineb. *The Moroccan Family: Legislative Discourse and Popular Discourse.* Rabat: Al-Markaz Al-Watani . . .[The National Center for the Coordination and Planning of Scientific and Technical Research], Arrissala Press, 1988. [340 pp.]

Bennani, Farida. *Division of Labor between Spouses in the Light of Moroccan Law and Islamic Jurisprudence: Sex as a Criterion.* N° 9. Marrakech: The Faculty of Legal, Economic and Social Sciences Press, 1992-93. [355 pp.]

Chamanti, Al-Houari. "Financial Rights of the Married Woman." Thesis. Rabat Law School 1988-89.

Moussaddek, Roukaia. *Women and Politics: Political Representation in Morocco.* Casablanca: Toubkal Press, 1990. [77 pp.]

III. Collections (in Arabic)

Approaches, a series edited by Fatima Mernissi (issues 1-3), and then by Aisha Belarbi (issues 4+). The collection includes many books containing articles dealing with various topics; some of the pertinent ones are listed below.

Women's Portraits. Among the studies undertaken in Arabic are Ahmed Al-Khamlichi's "The Sources of the Law Defining the Status of Women in Morocco," and Fatima Zahra Azrawil's "Arab Society and Female Creativity in Ancient Times."

A Woman Divided Between Family and Work. See Mokhtar Al-Harrass, "Family and Work: a Sociological Study of Rural Women's Participation in Northern Morocco," and Fatima Zahra Azrawil, "The Contribution of Woman to the Development of the Souss Region [through *al-maasoul*]."

Women and Government Authorities.

The Female Body. See Fatima Zahra Azrawil, "Women and Social Spaces: Walking on Thorns."

Couples and Questions. See Al-Khammar Bouqar'a, "Interaction between the Spouses: Toward a Definition of the Concepts of Husband and Wife"; Fatima Zahra Azrawil, "The Spouses in Morocco: Changes and Aspirations"; and Najat Errazi, "The Marital Relationship: Attitudes and Points of View."

Moroccan Women: Tomorrow's Citizens, a series edited by Omar Aziman and Fatima Mernissi.

Tazi, Abdelhadi. *Women in the History of the Islamic West*. Casablanca: Fennec Press, 1992.

Maghrebi Women at Horizon 2000, a collection edited by Fatima Mernissi.

Said, Khalida. *Women, Liberation and Creativity*. Casablanca: Fennec Press, 1991.

Women and Institutions, a series edited by Fatima Zahra Azrawil.

Al-Moadi, Zineb. *Women Between the Cultural and the Sacred*. Casablanca: Fennec Press, 1992.

Azrawil, Fatima Zahra. *Women and Men: The Difficult Change*. Casablanca: Fennec Press, 1992.

IV. Specialized Sources (in French)

A. Books and Theses

Abboud, Moussa. "The Ability of Married Women in Morocco to Engage in Business." Thesis. Rabat Law School 1962.

Alaoui Al-Mdaghri, Cherifa. "Women's Work: The Case of Government Service in Morocco in 1980." Thesis. Rabat National School of Public Administration 1982.

Bennis, Fatiha. "The Condition of Women in International Public Law." Thesis. Rabat Law School 1983.

Kanouni Bennis, Fadela. "Approaches to Women's Work: Housework, Salaried Work--the Case of Morocco." Thesis. Rabat Law School 1983.

Moulay Rachid, Abderrazak. *The Condition of Women in Morocco*. French Language Series, Vol. 33. Rabat: Law School, 1985. [607 pp.]

Sebti, Lah'richi. *Living as a Muslim Woman in Morocco: A Guide to Rights and Obligations*. Paris: The General Library of Law and Jurisprudence, 1985. [134 pp.]

B. Articles

Moulay Rachid, Abderrazak. "The Project of the Code of Personal Status." In *The Parliament and Legislative Practice in Morocco*. Casablanca: Toubkal Press, 1985.

_____. "Family Law Between Government Policy and Social Change." In *Law and Social Environment in Morocco*. Paris: CNRS, 1989.

_____. "Modernity and Legislative Policies in Matters of Personal Status in Arab and African Countries with Muslim Majorities." In *Muslim Families and Modernity*. Paris: Publisud, 1986.

_____. "Obstacles to the Ratification of the Copenhagen Convention by Morocco." In *Women's Rights in the Maghreb: the Universal and the Specific*. Democratic Association of Moroccan Women, 1992.

Belmir, Saadia. "The Condition of Women in Matters of the Marital System: A Comparison ofthe United Nations Recommendations and Islamic Law." *Independence and Cooperation, a Legal and Political Journal*, 2 (1984).

Ben Saga, Brahim. "For a True Emancipation of Women." *Lamalif* (Paris), 97 (n.m., 1978).

Brachmi, Abderrahmane. "Where is the Moroccan Family Going?" *Al-Asas* (Paris), 85 (n.m., 1988).

Chafi, Mohammed. "The Name of the Married Woman in Comparative Law." *The Moroccan Law Journal* (Paris), 13 (1987).

_____. "The Crime of Adultery in Moroccan Law." *Journal of Penal Law* (Paris), 1988.

Chakroun, Mohammed. "School Reading Textbooks and their Discourse on the Moroccan Family." *Al-Asas* (Paris), 41 (April 1982).

Daoud, Zakia. "The Revolt of Moroccan Women." *Lamalif*, 93 (Dec. 1977).

_____. "The Administrative Practices Counter to the Law." *Lamalif*, 110 (Nov. 1979).

_____. "Women as Minors." *Lamalif*, 140 (Nov-Dec. 1982).

_____. "Women: Losing Ground." *Lamalif*, 156 (May-June 1984).

Filal, Souad and F. Benabdenbi. "Moroccan Couples and Work." *Lamalif*, 142 (Dec.-Jan. 1983).

Lahlou, Aziz. "Women and Work." *Al-Asas*, 57 (Dec. 1983-Jan. 1984).

Said, Amina. "Women in a Man's World: Concerning the Status of Women in Some Muslim Countries." *Kalima* (Paris), 11 (1986).

Skalli, Nouz'ha. "If I Were Paid for Housework." *Kalima*, 2 (March 1986).

V. Collections (in French)

Approaches Series.

Women's Portraits. See Abderrazak Moulay Rachid, "Legal Change and Social Change through Women's Condition in Morocco"; Aicha Belarbi, "The Representation of Women in School Textbooks"; and Fatima Mernissi, "State National Planning and Scientific Discourse on Women."

Divided Women: Family/Work. See Driss Guerraoui, "Aspects of the Contribution of Family Farming to Agricultural Production"; Fatima Mernissi, "How to Deprive a Woman of her Minimum Wage"; and Aicha Belarbi, "Women's Salary and

the Sexual Division of Labor in the Family: The Case of the Female Government Employee."

Women and Power. See Aicha Belarbi, "Power and Counter-Power."

The Female Body. [No titles cited.]

The Couple in Question. See Naima Ghemires, "Demographic Approaches to the Couple in Morocco"; N. Bargallil and Rabia Naciri, "Women University Graduates: Educational Level of the Couple and Choice of a Spouse"; and Chems Doha Boraki, "The Status of Women in Today's Moroccan Couples."

Maghrebine Women UNU-Wider Series.

Moulay Rachid, Abderrazak. *Women and Law in Morocco.* Casablanca: Fennec Press, 1991.

Moroccan Women: Tomorrow's Citizens series.

Bargallil, N. and Jeanne Chiche, Amina Lemrini and Rabia Naciri. *Women and Education: Barriers and their Impacts.* Casablanca: Fennec Press, 1992.

Alaoui, Cherifa and N. Bargallil, Mohammad Boutata, Brahim Chedam and Bahia Kadmiri, *Women and Education: The State of Things.* Casablanca: Fennec Press, 1993.

Akharbash, Latifa and Narjis Rerhaye. *Women and the Media.* Casablanca: Fennec Press, 1992.

_____. *Women and Politics.* Casablanca: Fennec Press, 1992.

Filali, Rachid. *Women and Work.* Casablanca: Fennec Press, 1993.

Women and Institutions series.

Belarbi, Aicha. *The Image of Women in the Educational System.* Casablanca: Fennec Press, n.d.

Chami, Anissa. *The Reality of the Feminine Ideal and its Avatars in Moroccan Literature Written in French.* Casablanca: Fennec Press, 1993.

VI. Publications of the Moroccan Bureau of Statistics

Women and their Condition in Morocco. Statistical Documentation. Rabat: CERED, 1989.

The Economic and Social Status of Women in Morocco. Rabat: CERED, 1990.

Women and Development in Morocco. Rabat: CERED, 1992.

The Standard of Living of Households, 1990-91. Vol. I.: *Synthesis Report.* Rabat: CERED, 1992.

The Standard of Living of Households, 1990-91. Vol II: *Distribution of Standards of Living.* Rabat: CERED, 1993.

The Yearly Statistical Survey of Morocco, 1993. Rabat: CERED, n.d.

UNIT III:

ASSOCIATIONS AND ORGANIZATIONS DEALING WITH WOMEN IN MOROCCO

190

ASSOCIATIONS AND ORGANIZATIONS DEALING WITH WOMEN IN MOROCCO

1. The Democratic Association of Moroccan Women (ADFM)

Address: Boîte Postale 3011, Al-Massira
Rabat
Phone: 212.7.73.71.65
Fax: 212.7.77.38.89
Director: Ms. Amina Lamrini

The association was founded in June 1985. It is open to all women who share its goals. It is an independent association concerned with the special conditions related to various social and professional categories of women. Its ambition is to develop a structure for reflection, action and training. Headquartered in Rabat, it has branches in many regions of Morocco. Its sponsoring sources consist of members' participation fees and the sale of books, but it also raises funds for specific projects. Some of its projects have been sponsored by the following associations and organizations: The United Nations Development Program, The European Commission, the Frederick Ebert Foundation and Amideast.

Among its goals is to work toward the eradication of all forms of discrimination against women, through the following actions: to revise the Code of Personal Status, along with other legal texts and practices which reinforce women's status as minors; to abolish men's guardianship over adult women; to guarantee women's full right to dignity and self-determination; to encourage women's participation in decision-making on the legislative, executive and administrative levels and in all structures of civil society; to encourage women to participate as actors and beneficiaries in all development initiatives; to guarantee the right to training, to employment and to effective equality in pay and social rights; to guarantee the right of schooling for girls and of literacy for millions of women.

Their activities include the organization of conferences, forums and roundtables as well as other initiatives to support women's demands; for example: literarcy, training, adequate dissemination of information on legal and health matters, and the publication of the newspaper, *Women of Morocco* (which ceased because of financial difficulties).

Among the various activities conducted by this organization in the context of initiatives to improve the condition of women, we cite the following forums: "Reform of the Code of Personal Status: Why?" March 1992; "The Legal Condition of Women and Constitutional Reforms," September 1992. Roundtables are also held concerning pertinent issues, such as: "Moroccan Women and Politics: the Challenge of the Year 2000," March 1992, a discussion of the latest amendments to the Code of Personal Status, 8 January 1994; and "Women, Husbands and Money," January 21-22, 1994. The Association organizes training as well,

which has among its objectives to put an end to illiteracy, to educate women about legal issues, and to educate women about health issues.

Among the main obstacles faced by the organization in achieving its goals are the financial cost of day to day management due to the increase of expenses, the lack of stable resources, and also the inadequacy of volunteering to run all the association's programs because of the significant expansion of its scope and prerogatives.

2. The Moroccan Association of Midwives (AMSF)

Address: Thanawiat Assiha, km 4
Rabat Road
Phone: 69.19.38
Director: Ms. Nafissa Gamri

It was founded in 1990. Its membership is made up of graduates of the professional school of the Ministry of Public Health, and of other individuals holding an equivalent diplomas and working in the public and private health sectors. The headquarters of the Association is in Rabat; its funding sources are membership fees and the in-kind assistance of other associations, especially in regard to the continuing education of its members. Its objectives are: participation in all activities that have as a target the amelioration of conditions of medical treatment, especially in regard to mother/child health; development of the profession of midwifery; support and defense of the professional interests and rights of midwives, along with the establishment of relationships with other associations, active in Morocco or in sister countries that share the same professional and cultural objectives.

Its activities center around the organization of conferences, scientific conventions, and national and international scientific meetings. These meetings focus on mother/child health and family planning. In addition, the organization has made efforts to provide continuing education to its members. It issues a magazine which keeps midwives up-to-date with the latest scientific/ professional information related to obstetrics, the monitoring of pregnancy, mother/child health and family planning. This organization has an ambitious program in the short, medium and long terms with the goal of improving the quality of midwife education, of modernizing obstetrics techniques, and revising certain laws regarding the profession, in order to achieve the foundation of a national governing body for the profession. The only thing lacking in this context is adequate funding for the achievement of its goals.

3. The Moroccan Association of Progressive Women (Working Name)

Address: 7 Zankat Dunkerque, Tabiq 2, # 6
Mars-Sultan Baydha 01
Phone: 26.26.37
Contact: Ms. Latifa Sihih

This association is open to all women who commit themselves to its principles and to its founding and internal by-laws, and who are willing to participate in its activities and to subscribe and pay yearly membership fees. The only source of funding of this organization is the membership fees. Its general goal is to defend women's rights. In particular, its objectives are:

--to raise the awareness of women about their rights and to promote these rights and work for their implementation;

--to institute equality between men and women in political, economic, social, cultural and legal matters;

--to work for the reform of the Code of Personal Status in order to guarantee the full rights of women;

--to expose and protest the ill-treatment of women.

Among the main activities which the association has contributed to, in spite of financial difficulties:

--participation in the National Coordination Council for the reform of the Code of Personal Status and for the defense of women;

--contribution of presentations at events sponsored by other organizations;

--organization of extension activities on themes such as "Moroccan women in the national economy: participation or marginalization."

One of the major obstacles facing this organization is the lack of office space.

4. Women's Solidarity Association

Address: 19, Avenue 9 Avril
Boîte Postale15908
Casablanca

Phone: 28.82.42

Director: Ms. Aicha Achanna

This association was founded in 1985 to provide assistance to needy women with children, and to offer them the opportunity to be bread-earners through collective work. The goal is to help build an attitude of responsibility and solidarity among them, through the distribution of work between groups, through self-management, and through sharing of income. This organization provides on-site vocational training, literacy lessons, numeracy and book-keeping lessons. Among its activities are the management of canteens and school cafeterias and the operation of shops which sell products made by women. In the past two years, this organization has focused also on "unmarried" and "estranged" mothers because this category of women is the one facing the worst difficulties, as they usually insist on keeping and caring for their children after they are thrown out by their families and marginalized. Some of these single mothers do find employment, but the majority do not because of the stigma attached to their past, which

leads many of them to one of two choices, both bitter--begging or prostitution. This organization assisted this category of women by guaranteeing their right to dignity and respect. It conducts a number of worthy and noble activities--combating the widespread illiteracy among the ranks of this category of women, offering them training for a skill, guaranteeing continuity for new arrivals by providing them some work in order to insure their social rights. Unfortunately, this association does not even have a fixed office space or a means of transportation. Its financial resources are inadequate to fulfill its social role or pay the social security fee for these women to benefit from its services. It does not have the means to host adequately newly arrived women, orphans and illigitimate children and to provide them with work and the basics of a dignified life.

5. Women's Labor Union

Address: 425 Hassan II Avenue, Apt. # 13
Rabat
Phone: 212.7.72.72.22
Fax: 212.7.72.72.22
Director: Latifa J'babdi

This union started as a working group and a movement centered around the *8th March* newspaper, beginning in November 1983. Among its main goals are: to unify the women's movement in Morocco; to amend all laws that are unjust toward the rights of women--especially the Code of Personal Status; to achieve the participation of women in all decision-making positions, and the enjoyment of all the rights of citizenship; to eliminate all forms of discrimination against women in social conventions and practices, in infrastructures and institutions; to guarantee the effective right of women to work and obtain equal pay, to be included in development, and to gain respect for their rights as mothers; to generalize the education of girls and the efforts of literacy among women; to institute democracy and the respect of human rights; to support women at the international level, and particularly Maghrebi and Arab women.

The union's methods to achieve these goals are: conferences, conventions, roundtables, gatherings, demonstrations, petitions, public statements, fairs, sit-ins, solidarity groups, rescue committees for women who are victims of violence, literacy programs, legal and medical extension work, educational activities designed for children, management assistance for income-making women's projects, theatrical, artistic and literary events, vocational training, and studies and research.

6. The Moroccan Association of Women Entrepreneurs (ASPOD)

"Al-Fadha nuqtat intilaq" ["Space as a Point of Departure"]

Address: 107 Zanqat Nice

Casablanca
Phone: 212.2.36.46.02
Fax: 212.2.39.27.54
Director: Ms. Fatouma Benabdenbi

The association was founded on December 25, 1991, as a non-profit organization. Its main objective is the encouragement of women's endeavors in the areas of the creation and development of enterprises. They also assist and mobilize women entrepreneurs and those who are about to engage in the world of business.

Women entrepreneurs are an important resource that needs to be effectively tapped if we are to meet the challenge of development. The "space" provided by the association is "a point of departure" for all women entrepreneurs to collaborate with the goal of mutual progress. It provides a space for information, training and networking for the improvement of productivity and quality of entrepreneurial work. Women entrepreneurs contribute to the improvement of their environment and invest in tomorrow's women. They also work toward the transformation of mentalities and reform of economic and social infrastructures. With regard to training, the association reinforces women's competencies and leadership roles. It helps them to assess their needs in fields of training, organization and mobilization, and financing, and helps them to design a strategy to satisfy all these needs. The association intervenes on behalf of women entrepreneurs to facilitate their interaction with banks.

7. Association of Maghrebi Women and Youth (AFJEM)

Address: 22 Zanqat Wareth,
Cité Annahdha, # 3
Rabat
Phone: 212.7.75.59.59
Fax: 212.7.75.51.83
Director: Ms. Nafissa Soubai

The association was founded in 1992. Its objectives are to draw attention to the condition of women and youth in the Maghreb. Although it is based in Rabat, it hopes to reach out to the entire Maghrebi region. Among its objectives are: to improve the dissemination of information about women and youth, and the rights of the individual, by improving production and publication of information, and by encouraging the publication of books and magazines; and to encourage and support social, economic and cultural activities undertaken by young artists and entrepreneurs.

8. Other Moroccan associations dealing with women's issues

The following organizations did not respond to our inquiries, and thus we cannot provide detailed information on them. We are providing data on them based on the list made available to us by the Ministry of Employment and Social Affairs.

–The Moroccan National Women's Union
Director: H.E. Princess Lla-Fatima Azzahra
Address: 3, Zanqat Al-Afghani
Rabat
Phone: 212.7.72.79.37

–Al-Muwassat [Consolation] Association
Address: 17, Zanqat Sidi Ber'zoug
Rabat
Phone: 212.7.72.58.94

--Al-Mousbah [Point of Light] Association
Director: Ms. Khadija Al-Mousbahi
Address: 7, Zanqat Ibn Baja, Avenue Hassan II
Rabat
Phone: 212.7.73.89.74

--Moroccan Professional Women's Association
Director: Ms. Rafika Al-Khatib
Address: Taj'zi'at Lachmir, # 2
Ibn Aznas Assouissi
Rabat
Phone: 212.7.71.10.50

–Women's Renaissance Association
Director: Ms. Ben Abdel-Ali Al-Batoul
Address: Zanqat Ahoud, # 10
Batanet Salé
Phone: 212.7.78.01.37

–The National League of Women Government Service Employees
Director: Ms. Zahia Dadi Skalli
Address: 7, Avenue Abdel-Wahed Marrak'chi
Hayy Al-Laymoun
Rabat
Phone: 212.7.72.24.95

–Moroccan Women in Development Committee
Director: Ms. Fatima Alaoui
Address: 2, Zanqat Zahla
Boîte Postale 403
Rabat

Phone: 212.7.72.74.06

--Istiqlaliya Women Association
Director: Latifa Bennani-Asmires
Address: General Headquarters of Al-Istiqlal Party
4, Avenue Ibn Toumart
Rabat

--National Association of Democratic Women
Director: Ms. Milouda Hazib
Address: 18, Zanqat Tunis
Hassan, Rabat
Phone: 212.7.73.21.27

--National Committee of Harakiya Women
Director: Ms. Zouhour Rochq
Address: General Secretariat of Al-Haraka Acha'abiya
12, Zanqat Al-Marini'yin
Hassan, Rabat
Phone: 212.7.73.08.08

--Constitutional [Dusturiya] Women's Association
Director: Khadija Mikwar
Address: 158, Avenue Armée Royale
Casablanca
Phone: 37.07.89

--Moroccan Women's Rights Association
Director: Ms. Najet Arrazi
3, Zanqat Attabari, 4th Floor
Al-Ma'arif, Casablanca
Phone: 23.72.38

--General Secretariat of Union [Ittihadiyat] Women
Director: Ms. Badi'a Skalli
Address: Central Headquarters
Hizb Al-Ittihad Ichtiraki Lil-Quwwat Achaabiya
[Popular Forces Socialist Union Party]
Rabat
Phone: 212.7.77.39.01

--Moroccan Women Social Workers' Association
Director: Ms. Zahra Ibrahimi
Address: Thanawiyat Siha Oumoumiya
[Public Health High School]
Rabat
Phone: 212.7.69.19.30

WOMEN, LAW AND DEVELOPMENT IN TUNISIA:

LEGAL AND REGULATORY CONSTRAINTS TO WOMEN'S PARTICIPATION IN DEVELOPMENT

PREPARED BY KHADIJA MADANI

195

"This publication was made possible through support provided by the Research & Development/Women in Development Office and the Tunisian Mission of the United States Agency for International Development; under Cooperative Agreement No. PDC-0100-A-00-1135-00."

A.I.D. funds provided for the activities described in this report have not been utilized for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference or training in connection with the growth or production in countries other than the United States of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States.

INTRODUCTION

It goes without saying that women's rights are an integral part of human rights in general.

It is clear, also, that equality between men and women is a principal and paramount factor of development and progress in society. Convinced that there is no progress without women's enjoyment of their rights, both in legal texts and in practice, the Tunisian authorities have established the CREDIF and the Committee on Women in Development, upon the occasion the preparation of the Eighth Five-Year Plan (1992-1996). In addition, the President of the Republic has instituted a special committee charged with the mission of evaluating the existing laws, of making proposals to eliminate those texts which include discrimination against women, and of issuing new texts that institute equality. And in light of the report elaborated by this special committee, sections of the Penal Code, the Code of Personal Status, the Law on Nationality and the Labor Law, were amended. This achievement attests to Tunisia's ability to stay abreast of change at the international level with regard to promoting women and providing adequate conditions for their participation in development. Tunisia has indeed ratified most international conventions dealing with women's rights, and participated in all the international conferences and events organized since the seventies, including those in Mexico City and Nairobi, to design development strategies related to women.

And today, while the international community is preparing to hold the fourth International Women's Convention in 1995 in Beijing, this case study [of Tunisia] gives us the opportunity to assess the legal status of women now, and to review the constraints which still prevent them from participation in social, economic, and political life, on an equal footing with men.

CHAPTER ONE

LEGAL AND REGULATORY CONSTRAINTS TO WOMEN'S CONTRIBUTION TO THE LABOR FORCE

Representing as much as one third of the world's workforce, women play an important role in economic and social life.

In Tunisia, the percentage of women in the workforce is 20.9%, about a fifth of the active population. However, this rate does not take into consideration a woman's effective share of work, because it does not include all the work done in the home--such as child care, management of the household, and the informal sector.

Also, it does not reflect the major gains made by women over the last forty years, permitted by the advanced legislation embodied in the Code of Personal Status, from the time of independence in 1956.

In fact, the law has, as a general principle, given women and men equal rights. Among these legislative texts, then, we shall consider here those relating to women's work and their contribution to the economic cycle.

A. WOMEN AND LABOR

The Labor Law, issued in 1966, does not contain any article that explicitly discriminates against women, but it does not clearly spell out the principle of non-discrimination.

In 1993, a new section was added to this law: Section 5A, amended in accordance with Law N 66 issued on 5 July 1993, which mentions that "There shall be no discrimination between men and women in the implementation of the provisions of this Law or in any interpretive text thereof." In addition, Section 11 of the Bilateral [Employer's Association-Labor Union's] Employment Agreement, issued in 1973, spells out clearly the principle of non-discrimination with regard to the private sector.

As for the public sector, the provisions of Section 11 of the Basic Law [N 211 of 12 December 1983] regulating employment in government service, public and local associations, and administrative public institutions state that "there shall be no discrimination between the sexes in the implementation of this law, with the exception of special stipulations dictated by the nature of the work and decreed accordingly." The very same principle is also stated in Section 4 of the general By-Laws (enacted in Law N 78 issued 5 August 1985) regulating employment in public institutions.

The texts pertaining to the private sector, with regard to social security matters, do not contain any provision which specifically states the principle of equality between men and women, nor do they include any paragraph that discriminates against women. Law N 12, dated 5 March 1985, relating to retirement in the public sector, clearly states that this right is applicable to all employees, their gender notwithstanding.

In addition to the national legislation, Tunisia has ratified several international agreements mandating equality between men and women, including:

--The 1958 Agreement against Discrimination in the Workplace, signed in 1959;

--The International Agreement on Equal Pay, signed in 1978;

--The International Pact on Civil and Political Rights, signed in 1968, which includes provisions regarding equality of pay and promotion;

--The International Agreement against all Forms of Discrimination based on Gender, dated 1979 and signed in 1985.

In step with international law, Tunisian legislators have striven to enforce equality between men and women at work, while at the same time creating a legislative system which takes into consideration a woman's biological needs as a woman and mother; we refer here to such rules as the ones prohibiting the employment of women in dangerous jobs, e.g. mining (Section 77 of Labor Law).

The decision, signed by the Minister of Social Affairs on 5 May 1988, defined the maximum weights to be lifted by women. These weights are inferior to those permitted to men, and vary depending on age and means of transportation used. This same decision forbids women--whatever their age--to transport heavy weights by means of three-wheel bikes. Labor Law prohibits women from working night shifts. It should be noted, however, that in 1993, Tunisia signed the 1990 additional protocol pertaining to the international agreement on labor, N 89, which allows for more exceptions to the prohibition of night work for women.

1. OFFICIAL AND UNOFFICIAL METHODS IN ACQUIRING PERMANENT AND PART-TIME JOBS

Legally, there is no discrimination against women in the hiring process. Furthermore, Labor Law stipulates penalties for violations of the principle of equality at work, (Section 234, amended by Law N 66 dated 5 July 1993).

What is surprising is that certain provisions aimed at protecting women are at times turned against them, and are used--though neither overtly nor officially--by prospective employers to justify their selective choice of men when hiring new personnel for job vacancies. Some offers may, for example, require that the applicant must have completed military service; because only men are called on to perform such duties, it becomes very clear that the person sought for the job is male.

In the public sector, instances of discrimination are rare because most of the hiring is based on examinations open equally to both males and females.

Nonetheless, even in this sector, there is occasionally a tendency to favor men, due to higher absenteeism among women, and also due to the leaves women are entitled to in the cases of child birth and breast-feeding, particularly given that most women applicants are within the age brackets of the child-bearing years. Absentism [is higher] among women due to the fact that the female is the one who is always expected to perform household chores, and take care of the

children. When a child is sick, it is the mother who stays at home and is absent from work, not the father--and such is the case for all other family-related emergencies.

The above discussion relates primarily to full-time work. In the laws regulating the private sector, there are no provisions prohibiting part-time work, while in the public sector, employees--male and female alike--are granted the possibility of part-time work.

2. OPPORTUNITIES FOR PROFESSIONAL PROMOTIONS

Legally, women are entitled to the same promotion opportunities as men. Section 11 of the Basic Law regulating public employment provides for equality between men and women, with the exception of "special regulations dictated by the nature of the work," which may be interpreted as a sort of discrimination because the specific type of jobs are not delimited. It is possible to say, however, that equality of rights is stipulated in theory. In practice, matters are rather different.

If we consider the public sector, we see that the percentage of women in the workforce is 21% and also, that most of these women employees are concentrated at the lower levels of the hierarchy. Indeed, 42.5% of them are at the bottom of the scale, while they account for only 9.34% of supervisory staff, 4.11% of middle management, and no more than 5% at the executive level. Opportunities for promotion to higher positions are not equal for both sexes.

According to data issued in 1992 by the Public Service Administration, only 6.2% of the applications for promotion presented by women were accepted, while the rate for male applicants was 12%. In addition, 1993 statistics indicate that the proportion of women employees in the higher ranks are as follows:

--General Manager:	4.30%
--Manager:	7.40%
--Assistant Manager:	9.69%
--Head of Department:	14.83%

On the other hand, the highest concentration of women employees in public administration is at the lowest ranks.

Furthermore, within the public sector, women seem to be more present in jobs concerning education and health. In this respect, in 1989, the percentage of women in the educational field, including all its branches, was 33%. They represented up to 45.4% of the total number of primary school teachers and 38.43% of the high school teachers. In the higher positions, however, their numbers were only 8.32% of high school inspectors and a mere 1.13% of grade school principals, while female high school principals were no more than 5.28% of the total. With regard to higher education, there were only two female Deans and two female Vice-Deans. At the same time, 17% of university teachers were women, divided as follows: 7.4% of these women were Full Professors and 7% were Associate Professor, while they constitute more than half the total number of Assistant Professors and Instructors, which are the lowest teaching ranks at the university.

In healthcare, 46% of medical workers are women, and although 33% of doctors are women, only very few of them reach positions such as department heads in university hospitals.

As for the private sector, while women represent a third of the workforce, most women workers are concentrated in the lower ranks of the hierarchy. Their presence at the managerial level is scant, and nearly inexistant at the executive level.

In the field of industrial entrepreneurship, women's presence remains limited in industry. Among the approximately 1000 women industrial entrepreneurs, the distribution is as follows:

--Textile manufacturing:	72%
--Food manufacturing:	11%
--Mechanical/Electrical industry:	4%
--Construction materials:	6%
--Other:	7%

It is worth noting that women have benefitted from government programs designed to promote individual initiatives. The Fund for the Development of Traditional Crafts and Small Industries helped women create 2094 projects between 1982 and 1992. Of the grants provided by the Fund for the Assistance of Traditional Crafts, in the period between 1988 and 1993, about 6.7% were awarded to self-employed women.

But why are women always confined to the lowest rungs of the hierarchical ladder?

There are obstacles that block women at all levels of life, such as illiteracy and dropping out of school at an early age. Other obstacles are created by the mentality prevalent in Tunisian society that men have a natural ability to reach high positions, while the woman's primary role is to take care of the home.

3. CONSTRAINTS IMPOSED ON WOMEN IN ACQUIRING CERTAIN JOBS

It was not easy for Tunisian society to accept women's going out into the public sphere and joining men in all types of work. Women's current position in Tunisian society is proof of the large strides they have taken; indeed, in spite of their minimal representation in leadership positions, we do find female ministers, consultants, pilots, judges, doctors and lawyers. Women have not, however, broken the chains of custom and tradition that prevent them from reaching managerial and decision-making positions.

We do find that women are present in large numbers within the social service sectors, such as education and healthcare, due to the fact that working hours do not conflict with their traditional role at home. It is important to note in this respect that women impose this constraint on themselves. In the medical field, for example, women are not to be found in some specialities such as surgery. This is due to prevalent mentalities--often in the mind of the woman herself--since on the legal level, there is no restriction whatsoever in this regard.

We are also reminded that in the police system, women are often traffic agents and administrative assistants; more and more women however, are being appointed to managerial positions, as demonstrated by the fact that three women police chiefs have recently been nominated.

So far, no woman has ever been appointed [province] governor--the highest regional position in the executive branch-- nor have any been made first delegate [second highest post in provinces]. We do find, however, some female delegates in charge of social affairs. This fact may be due to caution on the part of decision-makers who tend to avoid shocking prevalent mentalities who hold that these positions are reserved for men.

This reasoning is not really convincing, and must be challenged by appointing women to those positions, as was done in the judiciary system. In the beginning, litigants did not easily accept the idea that a female judge would arbitrate their disputes and dictate their affairs, especially in the penal field. Women did, however, prove their efficiency in the legislative sector, and it came to seem quite natural and indisputable for a female to preside over a session.

The military field also has its share of women, but unfortunately not in the high positions of leadership.

In conclusion, we can state that some positions are still male prerogatives, not due to legal constraints but rather to traditional ones, and one should strive to change this situation. The best way to achieve change is through raising the awareness of decision-makers, employees and the general population about the equality of rights between men and women.

4. THE DIFFERENCE IN PAY BETWEEN MEN AND WOMEN HOLDING EQUIVALENT JOBS

We have seen that the law grants women exactly the same rights as men with regard to pay. But is this equality enforced in reality (given, for example, that Section135 of Labor Law was

amended by the law dated 5 July 1985, to eliminate discrimination with regard to minimum wage in the agricultural sector)?.

In the public sector, those who hold equivalent administrative positions are paid equal salaries, whatever their sex.

We do find, however, some violations in the private sector. Some employers hire female employees first as trainees, then either lengthen their training period or simply under-evaluate their professional efficiency, in order to keep their pay at a low level. Unlike men, women find themselves forced to accept this kind of treatment.

Also, in its aim to protect women, the Law prohibits their employment for more than 8 hours per day. This is sometimes a cause of discrimination, as men do have the right to be remunerated for overtime.

Also, we should not forget that many women work in the informal sector, which is not regulated by law. In this case, women work for less than the legal minimum wage, and in harsher conditions than those of the organized sector. The situation is similar for rural women who work as unskilled laborers. They are only paid 50 to 70% of the wages received by a man doing the same tasks. Furthermore, many women who work as temporary help (34.7% of the total number in 1990), are paid less than the usual wage. In spite of their increasing numbers in the agricultural field, women still make up only 4.4% of permanent workers in this sector.

In addition, women perform certain types of work in the agricultural sector, which are not given economic value, such as daily chores, lasting from sun-up to sun-down, and ranging from cooking, bringing water and gathering wood, to various other manual jobs necessary to the maintenance of the family, such as tending to chickens and cows, and vegetables and crops.

Therefore, it is clear that the rural women contribute actively to family revenues. They represent 65.7% of the labor force, but the value of their participation is not acknowledged, not even by themselves, because what they do is considered everyone as a natural extension of their duties in the home--duties which are theirs alone.

5. LEGAL AND INFORMAL METHODS FOR DEALING WITH HARASSMENT AT WORK

There is no legal text that deals particularly with "sexual harassment." We do know, however, that this phenomenon, which exists all over the world, is also present in Tunisia. Working women are, at times, exposed to pressures from their employers or superiors, but because they want to maintain their jobs, they keep silent for fear of their bosses, and do not take them to court, although there are no statistics on this issue.

In this regard, a legal text should be written against this crime, although its value may well be more theoretical than practical, as the real difficulty remains providing evidence for such acts.

Of course, the problem originally resides in the mentality, existing--at various levels--all over the world. People generally view women as inferior, a negative view permeated by sexism. In addition, women hesitate to expose acts of harassment, because they are afraid society will transform them from victims into culprits, and accuse them of causing the problem by their "provocative" behavior .

6. SOCIAL GUARANTEES SUCH AS MATERNITY LEAVES AND FINANCIAL SUPPORT FOR CHILDCARE

There are many social guarantees for working women. It is possible for a pregnant woman to go on leave without advance notice (Section 18 of Labor Law). Her taking special leave during pregnancy, and after child birth, cannot be a reason for terminating her work contract (Section 20 of Labor Law).

In the private sector, women have the right to a 30-day maternity leave, which can be extended another 30 days, for medical reasons. If there are health complications related to pregnancy which prevent women from performing normal work activities, they have the right to be on leave from work for up to twelve weeks. In this case, employers have no right to fire them (Section 20 of Labor Law). Women who stop work during pregnancy or child birth have the right to 2/3 of their daily wage.

In the public sector, child birth leave is set at two months, extendable by a maternity leave which is limited to a maximum four months (Section 48 of Government Service Employees' Basic Statutes) . It is to be noted that women have the right to full-pay for the legal duration of birth leave, and half-pay for the legal duration of maternity leave. In addition, the law provides for two half-hour rest periods, with full-pay, for breast-feeding mothers, during nine months, following child birth (Section 64 of Labor Law).

Private companies, employing 50 women or more, are required by Labor Law (Section 64, as amended) to provide a special room for breast-feeding. So far, not one company has respected this legal requirement. Arrangements are still limited to a daily one-hour break which is somewhat helpful to women, but does not allow them to provide adequate breast-feeding for their babies who stay at home.

In fact, setting up a breast-feeding room in any institution would require the creation of a whole nursery, as one can hardly imagine the baby coming by itself to its mother's workplace to be fed; it is also difficult to devise a way for another adult to bring the baby twice a day for the half-hour session. The application of Section 64, with regard to the breast-feeding room, can only be achieved through the creation of a nursery in which infants could be kept during their mothers' work-time. This would require companies to provide special equipments and services at a cost that is, in reality, beyond their means at present.

It is important to note that a decision was made to re-instate the temporarily cancelled breast-feeding periods in the public sector.

On the other hand, it is stipulated by Section 36 of the Bi-Lateral Employment Agreement between Employers and Labor, and by related agreements in the various work sectors, that every worker, male or female, has the right to an unpaid leave of absence, granted within the limits of the needs at work, and not to exceed ninety days per annum.

Law N 12 of 5 March 1985, relating to the civil and military pension and retirement systems within the public sector, stipulates that women employees, with three children under twenty, or with one handicapped child requiring long-term care, have the right to early retirement. This provision is subject to two conditions: (i) a minimum of 15 years seniority, and (ii)approval of the application by the Prime Minister's Administration. In such cases, mothers are entitled to receive pensions immediately after ceasing work, rather than upon reaching legal retirement age, in cases of regular retirement.

Within the same framework, according to Law N 499 of 27 April 1974, relating to the pension fund for the aged and the handicapped in the non-agricultural private sector (Section 15a), women employees, who have three children, are given the right to early retirement, provided they have worked for at least 180 months, and contributed regularly to the fund. Beneficiaries of this arrangement start receiving their pensions upon reaching age fifty.

The Basic Statutes for Government Service Employees (Section 70) and that of Public Institutions (Section 60) stipulate that women employees have the right to request a two-year leave of absence--renewable twice--in order to take care of one child or more, under 6 years of age, or in a physical condition requiring long-term care.

Child support benefits are now granted [by the "Caisse Nationale de Sécurité Sociale," CNSS] only for the first three children, regardless of gender, down from four in the past (Section 52 of

21

the Law N 30 dated 14 December 1960, regarding social security). These benefits are given to the natural/legal, or adoptive parents, or to the legal guardian, whichever is applicable.

These benefits are given without restriction until age16, in the case of children going regularly to school, and to age 18, if the child is in vocational training or in an apprenticeship that pays no more than 75% of minimum wage in the construction sector.

The provision of child support benefits can be extended to a higher age, in the following cases:

--Until 16 years of age, when the child regularly attends primary and secondary school.

--Until 18 years of age when the child is a trainee in the construction field and is paid no more than 75% of the legal minimum wage.

--Until 20 years of age for the child who is still pursuing secondary school or university level studies, or for girls who replace their mothers in cases of death, handicap, divorce, or widowhood and are therefore forced to dedicate all their time to these activities.

These child support benefits are also granted--with no limitation in time--in the case of a handicapped child who cannot earn his/her own living (Section 64).

It is to be noted that these benefits are, by law (Section 65 of the Social Security Law) remitted only to the father, when both spouses work and are theoretically entitled to them. This may be due to the fact that the father is head of household and is responsible for spending on the family (Section 23 of the Code of Personal Status).

The mother is entitled to the difference between the child support benefits given to her on the basis of her salary--as the benefits are calculated out of the wages received by the worker--and the benefits paid to the father (Section 65 of the Social Security Law).

In the case of divorced mothers, they are the one's entitled to child support benefits (Section 64 of Social Security Law).

Family benefits are given for the duration of sick leave or maternity leave. The duration is extended to one year if the mother quits work to take care of the children (Section 58 of the Social Security Law) and is extended in the case of the worker's death (Section of the Social Security Law).

7. PROVISIONS CONCERNING SOCIAL SECURITY AND RETIREMENT BENEFITS

There are no obstacles to a woman's receiving her retirement pension or that of her deceased husband (Section 31 of the Law N 18 dated 5 February1959). A widow also remains entitled to her deceased husband's pension as long as she does not remarry.

Workers who have contributed to the Social Security Fund are also entitled to a special indemnity given to them in the case of a spouse's death when they have uninsured, minor children in their care. In the case of the worker's death, his/her right to this indemnity is automatically transferred to the heirs (Section 83 of the Social Security Law).

Workers, their spouses and their minor, uninsured children are entitled to free health care in government hospitals (Section 91 of the Social Security Law).

8. AVAILABILITY OF SECURE MEANS OF TRANSPORT

There are no means of transport especially reserved for women. But the existing [public] transport system is safe for them. It is indeed used used without problems by a large number of women, including those who have to go to work at difficult hours, such as in early morning, particularly in the textile industries. In addition, some companies have their own means of transportation for their employees, both male and female.

Women, whose professional activities allow them to own a car, are entitled to buy and drive their own vehicles.

9. FREEDOM OF TRAVEL IN THE CONTEXT OF WORK

Freedom of travel is guaranteed by the Constitution (Section 10), and there is no legal constraint that restricts this freedom, especially since the obligation of obedience to the husband, imposed upon women in the past, has been replaced by the obligation of mutual respect and understanding between the spouses (Section 23 of the Code of Personal Status).

10. OPPORTUNITIES FOR ON-THE-JOB TRAINING AND CONTINUING EDUCATION

Legally, women have the same training opportunities as men. It is common knowledge, however, that women do not strive to benefit from these opportunities because of lack of time, due to their numerous responsibilities both inside and outside the home, and also due to the prevailing belief on the part of women that their family lives are more important than everything else, and that their professional careers come as a second or third priority.

11. DRESS CODES AT WORK

Dress codes are not mentioned either by Labor Law or by the General Statutes of Government Service. There are, however, certain sectors that require special uniforms for both men and women: the military, the police force, airlines, marine and inland transportation companies, receptionists in some institutions, etc.

It is also to be noted that a number of circulars were issued calling on employees to wear appropriate dress that respects our traditions (Circular N 29, dated 12 August 1987, clarified by Circular N 80 dated 28 September 1988, and again in a circular issed in 1992). These measures were taken because some employees started to wear a dress which was not traditional to our country and which openly expressed a specific political attitude, while the government service employment law stipulates [political] neutrality.

214

As a legitimate act of defense of the achievements of the Tunisian People, these measures which were welcomed by Tunisian society and by women, in particular, have played an important role in putting an end to the spread of retrograde political / religious mentalities in Tunisian administrations and institutions.

B. WOMEN, PROPERTY OWNERSHIP, AND BANK LOANS

1. REAL ESTATE PROPERTY RIGHTS:

Women have the same rights as men with regard to real estate property rights; they can sell and buy without any constraints. On the other hand, women have some difficulty getting bank loans because of the collateral rule for securing them. This is particularly true of rural women, who, because of illiteracy, tend not to have ownership titles, which are often kept by male relatives.

2. ACCESS TO BANKING SERVICES

In general, there are no legal or social constraints facing women in relation to banking transactions, such as opening accounts and contracting loans. This is evidenced by the fact that the number of women investors/owners in industry, who received bank loans, has passed one thousand, so far.

CHAPTER TWO

WOMEN'S CONTRIBUTION TO DEVELOPMENT IN VIEW OF THE CODE OF PERSONAL STATUS AND THE SOCIAL CONSTRAINTS REINFORCED BY CUSTOMS

The Tunisian Code of Personal Status does not contain any bias that would decrease the opportunities for women to take part in the development process, especially following the 1993 revision of Section 23 of the Code, eliminating the stipulation of the wife's "duty of obedience" [to the husband], although he remains designated as the head of the his family.

The constraints facing women are mainly of a social nature, the most important of which is perhaps the fact that women have kept their traditional role of taking care of all the household chores. In addition to that, they now have to work outside the home to earn an income, and to do a number of other tasks previously done by men in the family, i.e. shopping, follow-up on their children's school activities and homework, etc.

In rural areas, due to the exodus of males toward the city, or abroad, women face even more constraints from other burdens such as bringing water, gathering wood, etc.

A. CONSTRAINTS TO WOMEN'S ACCESS TO THE WORKFORCE

There is no legal obstacle to women's employment, given that Labor Law, applicable to the private sector, and Government Service Employment Law, do not any discriminatory stipulations against women, married or unmarried.

B. CONSTRAINTS DUE TO MARRIAGE

There is no legal constraint to the employment of married women, particularly after the 1993 amendment of Section 23 of the Code of Personal Status (Law of 12 June1993), which eliminated the "duty of obedience," a duty married women were required, in the past, to satisfy with regard to their husbands. Indeed, before this amendment was issued, a Tunisian man succeeded, in 1992, in divorcing his wife by court decision, based on his claim of damage done

to him, because of his wife's travel abroad to attend a [medical] training program without his permission. Thanks to the above-mentioned amendment, women are now protected from such court actions.

There is, however, the constraint of women's lack of awareness of the law. While men themselves still do not know much about law either, the Tunisian way of life allows them to meet, and get acquainted with other people. They therefore have an opportunity to learn more about laws, in comparison with women, who stay home more, meet fewer people, and are too busy to pay much attention to literacy and legal extension programs, even when these are available. There are still many women who are unaware of their legal rights, and who believe that their husbands have the right to exercise control over them, and to direct all aspects of their lives, preofessional and otherwise.

Prior to concluding this discussion, it is important to point out that a specific Section (N 831) of the Code of Obligations and Contracts, clearly discriminates against women, by making illegal for them to sign a work contract without their husbands' permission, as it stipulates that: "a wife has no right to enter into a contract to provide child care, or other type of work, except with her husband's consent; otherwise the latter has the right to annul such a contract."

In reality, this Section has been implicitly superseded by a Government Decree, dated 3 August 1956, which amended Section 7 of the same Code, and granted women equality with men, by providing adults (age 20 and more)--women and men--full, unrestricted legal competence. Labor Law, issued in 1966, which did not contain any clause contradicting the principle of equality between men and women, further confirmed this principle of recent laws superseding older ones, as clearly stipulated in Section 542 of the Code of Obligations and Contracts.

Nonetheless, it would be preferable to completely eliminate the consent clause from this Code, in order to rid Tunisian laws of the last vestige of discrimination against women, and to preempt any abuse.

C. CONSTRAINTS DUE TO MARRIAGE CONTRACTS, DIVORCE CONDITIONS, INHERITANCE LAWS, AND CONTROL OF INCOME

1. Marriage:

Marriage contracts do not impose any legal restrictions on women's employment or professional activities. Social constraints, however, force a married woman to respect her husband's will even with relation to her employment, as previously explained.

On the other hand, marriage may sometimes provide an opportunity for women to become entitled to engage in contracts. As stated in Section 153 for the Code of Personal Status, amended by Law N 74, dated 12 July 1993, minors who get married after the age of 17 are considered adults insofar as personal status and civil and commercial activities are concerned. This means that women who marry before the legal age of maturity--but are 17 or older--are able to contract employment by themselves, unlike single women.

It is important to note that Tunisian laws recognizes women's full competence to contract marriage with the person of their choice, for there is no difference between them and men according to Section 9 of the Code of Personal Status, which stipulates that "Men and women have the power to decide, on their own, to engage in marriage."

Section 3 of the same Code states that marriage can only be declared after consent of husband and wife. There is no doubt that the opportunity offered to a woman to choose her husband is the best way to insure that her consent to engage in marriage is authentic and sincere.

However, Tunisian law sets the minimum age of marriage (Section 5 of the Code of Personal Status) at seventeen for women and twenty for men, and requires a medical certificate from people planning to get married (Law N 46 of 3 November 1964). This has had a positive impact, albeit indirect, on women's freedom of employment, as the woman who gets married at the age of 17 is viewed to have a level of maturity which somewhat protects her from her

husband's dominance over the various aspects of her life, including being hired or continuing to work.

The prohibition of polygamy and its being considered a crime punishable by imprisonment for up to one year, or a fine (Section 18 of the Code of Personal Status) can make a woman feel more secure, because marrying a second wife used to be a weapon brandished by the husband, to threaten her if she disagreed with his opinion or decisions regarding family or work.

2. Divorce:

As far as divorce is concerned, Tunisian law sets the same conditions for men and for women, and does not discriminate between them.

Divorce is declared only through a court of law (Section 30 of the Code of Personal Status). In the past, a Tunisian man used to be free to divorce his wife, whenever he wished, without any legal constraints.

The Law has also given women the same rights as men to request a divorce. Divorce is declared after the agreement of both husband and wife, or after a request made by one of them, resulting from damage to them, done by the other party; or on the basis of the wish to divorce, on the part of one of the spouses, with no obligation to give a reason, which led to the description of this kind as arbitrary divorce. In this case, however, the injured party is given compensation for damage caused by the arbitrary divorce. It may be financial or moral (Section 31 of the Code of Personal Status). It is interesting to note that women have preferred financial compensation, in which they are given the option to choose between a lump sum of money, or an allowance that is paid as soon as divorce is officially declared. This monthly allowance is paid until the beneficiary remarries, or her financial condition improves to a level eliminating the need for it, or she dies.

219

It is also to be noted that when a husband refuses to pay spousal or child support, his estranged wife has the right to receive the allowance directly from a special fund established by law N 65 of 5 July 1993. The administration of this fund is entitled and equipped to collect the money from the recalcitrant husband. In case of death of the spouse paying the support, it becomes a debt on the inheritance, and is collected through settlement with the heirs, or through the courts (Section 31 of the Code of Personal Status, as amended by Law N 7 of 18 February 1981).

The connection between the laws related to marriage and divorce, on the one hand, and the provisions for women's employment, on the other, are then clear: a woman who is married against her will and/or divorced by the husband's choice, who has no legal control, and who is considered not responsible for herself, cannot expect to be employed where and when she wants; thus, the changes brought about, by the laws discussed above, do facilitate women's employment.

3. Inheritance:

The legal provisions of inheritance do not have any negative impact on women's chances of employment, although the basic principle of inheritance does provide men twice as much as women.

Tunisian legislation brought in a degree of flexibilty to this [man's-share-double-the-woman's] principle, as it adopted certain stipulations inspired from the *Jaafari* school of Islamic jurisprudence, which states, in this regard, that when the inheritance is divided, and the debts do not absorb the entire amount left by the deceased, the remainder should be shared among the heirs on the basis of the share alloted them by tradition. As for the daughter(s), and the son's daughter(s), they also receive what remains of the their share of the inheritance, despite the existence of brothers and uncles and the state's "compensation fund" (Section 143 of the Code of Personal Status, amended by the law of July 19, 1959).

Rural women are less privileged than urban women. In spite of their legal right of inheritance, rural women are often deprived of it because of traditions and customs which prescribe that men are custodians of the land. Women generally share this viewpoing and rarely demand their rights. In *The Rural Women of Marnissa*, by Ms. Dorra Mahfoudh, a rural woman states that "the girl here lets her brothers dispose of her share of the inheritance so they can manage it and give her what she needs; she does not request her share, that would not do at all in these parts."

4. Obstacles to women's income generation

No laws allow a party other than a woman to manage her income. Article 7 of the Contracts and Agreements Code recognizes women's full possession of their income, as does article 24 of the Code of Personal Status, which clearly states that "the husband is not responsible for his wife's money." However, it is not enough for women to be the sole managers of their money, they should also be able to effectively manage it. This requires education and awareness of financial management, which unfortunately are not available to all women.

Article 1481 of the Contracts and Agreements Code contradicts the principle of women's freedom to manage their own economic resources: "the woman cannot be responsible for more than the third of her income, unless upon permission of her husband, and his permission is only valid if explicitly declared." This article has been effectively cancelled by the later articles which contradict it.The Contracts and Agreements Code was written in 1906, whereas article 7, cited above, was amended in 1936 to provide women with full financial responsibility upon reaching the age of majority. Article 24 of the Code of Personal Status, also cited above, was drafted in 1956. It would be most effective to remove the above-

mentioned Section 1481 completely, as there is no need to keep it within the body of the Civil Code.

D. CONSTRAINTS TO WOMEN'S ACCESS TO COURTS:

Here also, no legal constraints are to be found; women have the same rights as men. Indeed, women are considered adult as soon as they reach twenty years of age, and no matter what their marital status, i.e. single, married, divorced, or widowed (Section 7 of the Code of Obligations and Contracts, amended by the laws of August 1956).

We should note, with regard to this item, that Tunisian legislation makes it extremely easy, and free of charge, to go to court concerning alimony, divorce or custody matters. Indeed, plaintiffs--male or female--don't have to be represented by a lawyer. They can plead their own cases.

Legislators have given special attention to alimony, as, in addition to this option not to appoint a lawyer, the plaintiff--usually the woman as estranged wife, or mother having custody of the children (the man is the spouse legally required to spend on the family according to Sections 23 and 38 of the Code of Personal Status)--may proceed to sue at the court located in the area where she resides, though the general principle is that the lawsuit should be recorded in the court where the defendant lives. The woman has thus the right to plead before all different categories of courts as a plaintiff or a defendant.

This, however, doesn't prevent the existence of social constraints--the main cause of which is women's illiteracy. The number of women, who are completely illiterate or who drop out early from school, is higher than the number of men. In addition to this, and due to customs, women are less knowledgeable than men about legal rights, and about court procedures. We also note that rural women are generally more reluctant than urban women, to bring their husbands to court. In addition, remoteness of rural areas, and transportation difficulties may contribute to that reluctance.

Another constraint resides in the lack of financial resources, as these usually are in the hands of men. This is a major restriction that prevents women from going to court--that is, not being able to pay procedural legal expenses, and sometimes not even having enough funds to cover transportation fares.

E. WOMEN'S TESTIMONY IN COURT

Again, there are no legal constraints preventing women from testifying in court, and the value of a woman testimony is the same as a man's.

F. WOMEN'S FREEDOM OF MOVEMENT AND TRAVEL

As was previously stated, there are no legal constraints to women's freedom of movement. What should be mentioned, however, is the existence of a stipulation that can indirectly limit this freedom. We refer to Section 61of the Code of Personal Status, which states that a divorced mother who has custody of her children loses child support if she moves "to such a distance that it becomes difficult for the father to fulfill his duties toward the children."

This stipulation is due to the fact that a divorced mother, although she has custody of her children, is not viewed by the law as their legal [decision-making] guardian--a role still reserved for the father, with the exceptions, provided for by the amendment of 1993, allowing the mother to decide about such things as a child's travel, schooling, and bank accounts, as well as all other aspects of child's needs--if the father is declared legally incompetent (Section 67 of the code of Personal Status, amended by law N 74 of 12 July 1993).

There is a proposal to amend this Section, so that a mother who has child custody, would not be required to refrain from traveling, for fear of losing child support, based on the assumption by a court--supported by this Section--that her travel prevents the father from performing his legal duties of guardian toward the child(ren).

There is no doubt that it is in the child's best interest that the custodial mother should inform the other parent of any travel scheduled with the child. On the other hand, it would be also more reasonable, for the best interest of the child, that custody not be automatically withdrawn from the mother if she travels, given that the critical distance for implementing the said clause is not well defined, and left to the discretion of the court.

It is therefore necessary to mention that the child's interest constitutes the first criterion considered in this situation, as mentioned in other sections of the Code of Personal Status, related to custody--i.e. Sections 58, 60 and 62, in addition to Section 67 which insists on the child's interest when granting custody.

Women's freedom of movement is relatively limited when compared to men's, because of the traditional view that a woman's place is in the home, and that she should not go out unless absolutely necessary, i.e. for work, or for chores related to the household. This view is not limited to Arab societies; we share it with many other countries, particularly those of the Mediterranean basin.

Furthermore, women perform many duties, a traditional role in the home and a new one outside. This considerably decreases women's free time and hence limits their mobility--especially when basic commodities of life are lacking. In fact, the home has a major impact on a woman's way of life, as it is almost the only woman's space, due to the gendered division of labor.

The lack of water, electricity and sewage systems in the home increases the demands on a woman's time and efforts, particularly in rural areas. This fact is corroborated by statistics published by the Center for Research, Study, Documentation and Information on Women (CREDIF), in its 1994 report *Women in Tunisia*: "48% of the rural households have no kitchen, 54.6% have no toilet, 60.6% have no running water, 88.4% have no bathrooms or showers and 91.8% are not connected to the sewage system."

As a result, women have more tasks to perform, such as bringing water over a long distance, or carrying wood for cooking and heating purposes, as shown in the 1989 research report *People and Work.* In addition, the lack of adequate home appliances reduces the amount of free time women have. Not having a refrigerator, for instance, means that the woman cooks every meal--breakfast, lunch and dinner--separately.

On the other hand, women face important problems because of a shortage of daycare centers in poor urban neighborhoods, and their inexistence in rural areas: in 1991, for example, there were 692 kindergartens and 83 nurseries for nearly 700,000 children in need of daycare, i.e. supply is a mere 7% of demand.

CHAPTER THREE:

WOMEN'S POLITICAL RIGHTS:

A. WOMEN'S ROLE IN GOVERNMENT

Law has provided men and women with the same rights in the political field. Section 6 of the Constitution of 1959, states that all citizens are equal with regard to rights and duties. They are also equal before the law. Sections 20 and 21 provide women with the same rights as men, to vote and to run for elected office. The Election Code does not discriminate between men and women in terms of voting rights. The National Pact, ratified in1988 by the various political parties, as well the professional and social federations, insists on the fact that the principle of equality is as important as the principle of freedom. The principle of equality between all citizens with no consideration to gender, was reinforced by the Law on Political Parties of May 3, 1988.

Tunisia ratified several international agreements, the first of which was the 1948 Universal Declaration of Human Rights (ratified by Tunisia in 1967), then the Nairobi International Agreement on Women's Political Rights of 31 March 1953 (ratified in 1967), the International Treaty concerning Political and Civil Rights of 1966 (ratified in 1968), and finally the Copenhagen Convention Against All Forms of Discrimination Against Women of 18 December 1979 (ratified in 1985).

Reality does not reflect this equality, though, as few women actually occupy political office. In the Tunisia Government, there is only one woman minister, holding the portfolio of Women and Family Matters, and appointed in 1993.

There was no woman minister until the 1980s, when two women were appointed as ministers: for Women and Family Affairs, and for Public Health. In 1992, two women were appointed at at the slightly lower position of Secretary of State. Another woman was appointed a special advisor to the President, and six women as Advisors to Ministers. In February 1994, nineteen women were working as advisors to Government Ministers.

226

In the area of Foreign Service, the number of women is very modest, especially in the higher positions. In 1993, women diplomats represented 9.1% of the entire corps. Only one woman was appointed in 1994 as a Plenipotentiary Minister [Ambassador], but women represented 2.3% of the Vice-Ambassadors, 7.4% of the Embassy Advisors, and 12.5% of Foreign Service Secretaries. There is also one Tunisian woman who is a member of the United Nations Commission Against All Forms of Discrimination Against Women. As for ambassadors, the first woman was nominated in 1978 and since then, only three other women have been appointed to such a post. Their number decreased to one in 1993, and to zero in 1994.

In the Parliament, the rate of women increased from 1.12% in 1959, to 5.25% in 1981. This rate decreased in 1986 to 4.45%, and to 4.16% in 1990. After the last legislative elections of 1994, eleven women were elected (out of 163) which represented 6.74%. The President of the National Union of Tunisian Women (UNFT) has been acting as a Deputy to the President of the Tunisian Parliament's for over ten years now.

As for Regional Councils, in 1989 women represented 1.10% on the local level. In the municipalities, however, the rate of women has grown from 8.57% in 1980-1985 to 13.07% in 1985-1990 and 13.60% between 1990 and 1995. The number of municipal councilors has almost doubled, as it grew from 3.45% in the 1985-1990 period, to 6.45% between 1990 and 1995.

It is obvious that women's participation in politics, and in the decision-making process, in particular, remains modest in spite of the authorities' sincere will to have them contribute more in this field.

The main constraints to women's participation in politics are the same as those which prevent them from effectively contributing in the social and economic fields--i.e; illiteracy, dropping out of school, and the mentality that still ties women to the traditional role; and hence, politics in

short is considered outside women's interests and beyond their skills. It is important to note that this mentality does not concern Tunisia, or other Middle Eastern countries alone, it is a much more pervasive worldwide. It would be rather hard to form a full government even if we gathered all women ministers from all over the world.

This means that there are other hidden constraints blocking women from all over the world, representing a sort of glass ceiling that prevents women from climbing to top positions. Even when women have high academic qualifications that should enable them to hold decision-making positions, they rarely succeed in reaching them. Hence the political arena remains the exclusive domain of men, in all countries.

Therefore, there is a need to improve women's level of education and civic literacy, and to change mentalities, so that prople ackowledge the fact that women are half of society; their participation in decision-making constitutes a matter of self-determination and justice, and is dictated by the best interest of society in general.

B. WOMEN'S RIGHTS IN ASSOCIATIONS

The Associations Code enables both men and women to freely create, or be members of associations (Section 3 of the Law N 59, of 7 November 1959, amended by Law N 25 of 2 April 1992). Tunisian women took advantage of this amendment, as proven by the increase in the number of women's associations, cultural clubs, and special committees within labor unions, and other institutions. In 1989, legal visas were provided to two women's associations: (i) the Democratic Women's Association, which had been secretly active for 10 years, and which focuses on the situation of Tunisian women and the problem of discrimination against women, as well as on women's rights violations; (ii) the Tunisian Women's Association for Research and Development, which aims at supporting research and studies related to women's status. Apart from the above, some other women's associations were created, such as the National Chamber of Women in Management, attached to the Tunisian Industry and Trade

Union (UTICA); the National Women Farmers Federation, attached to the National Farming and Fishing Union, the Women's Commission of the Arab Institute for Human Rights, etc.

Rural women's participation in these associations remains modest in spite of their efficient collaboration with the Water Associations dating back to early independence. This absence is due to the lack of recruitment programs, especially those that should target young women, within the different associations.

UNFT, which is the oldest women's association in Tunsia, has acquired much experience in recruiting among rural women, especially for political and social events, such as Women's Day, adult education campaigns, or the opening of Training Centers for rural women. All other women's associations remain absent from rural areas.

With regard to political associations, it is to be noted that according to the law issued on 3 May 1988, concerning political organizations, men and women are given equal rights to create political parties, or to engage in political activities within existing structures. Tunisian law only prohibits the creation of parties which are based on race, gender, religion or regional interests.

Following the advent of political pluralism, there has been a slow increase in women's participation in politics through the party in power , and through opposition parties. During the last legislative elections (April 1994), women were on the electoral lists of the various political parties, in urban areas, but were absent in other regions. This absence is due to the lack of political training in rural areas, and to political ignorance on the part of rural women.

Women, therefore, have the same rights as men when it comes to creating or joining associations, but their participation remains symbolic due to the purely social constraints described above.

229

C. WOMEN'S PARTICIPATION IN ELECTORAL POLITICS

The Tunisian Constitution has indirectly stated that men and women have equal rights, including in political matters, although, grammatically, the masculine pronoun was used in the wording. The Code of Elections clearly states that all Tunisian men and women have the right to vote (Section 2), but it uses the masculine pronoun when it deals with the right of candidacy for presidential, legislative, or municipal seats.

Although women's candidacy to the parliament or municipal councils has never been an issue--women were elected to municipal council seats as far back as 1957 and became members of Parliament as early as 1959--their candidacy in presidential elections is a subject of debate. Some argue that the grammatical use of the masculine pronoun Sections pertinent to this matter, in the Constitution and in the Code of Elections, clearly shows that women are not eligible to run the office of President of Tunisia.

This argument is not valid as the reasons for referring to the constituents with the masculine pronoun is only due to the linguistic rule which requires its use in the general pronoun form. The best example of this is the use of the masculine pronoun in the laws regarding legislative and municipal elections. It has not prevented women from applying for candidacy and being elected members of parliament and municipal councils. We should note, however, that figures relating to women's participation in electoral politics do not reflect the principle of equality stipulated in legal texts.

Number of Women Members of Parliament

	1956	1959	1964	1969	1974	1979	1984	1986	1989	1994
Women members	0	4	4	4	3	2	7	7	6	11
Total number	98	90	90	101	112	121	136	125	141	163
Women's rate	0	1.12	1.12	4.45	2.68	3.20	5.25	4.45	4.46	6.74

Although the rate of women's participation in the Parliament has increased from 1.82% in 1966 to 6.7% in 1994, with all women representing the party in power, I.E. the Democratic Constitutional Rally (RCD), this increase does not reflect women's progress in society and their major achievements in everyday life.

Nevertheless, the 6.74% rate represents more than half of the world's rate of women's presence in parliament (compiled in 1987), and is higher than the rate of women in the parliament of France, a country where traditions of democracy are well-rooted, and where the rate amounts to 5.25% only.

Similarly, women's presence in the municipal councils, though it has increased from 1.29% in 1957 to 14% in 1990, does not reflect the special care dedicated to it by the highest authority in the country. Women's presence in elected bodies depends greatly upon their joining political parties and structured women's organizations.

Women's presence in the lowest and middle level structures of the party in power (RCD) does not exceed 5% in spite of the political will announced by the President of the country (who is at the same time the President of RCD) in all political meetings, aiming at encouraging women's contributions to political activities. This political will has been embodied by the creation of a permanent women's affairs office within RCD, headed by a woman, who later became a general vice-secretary and member of the political cabinet, which is the highest authority of the ruling party.

Nonetheless, there are still some factors which influence women's presence in politics, some of which are of a social and cultural nature, based on the fact that politics is mainly a civic activity reflecting cultural and social awareness. Women's contribution to politics depends on the promotion of their role in the family and in professional fields, on the development of their educational skills and ability to overcome obstacles, such as illiteracy and dropping out of school--factors whichlimit women's volontary participation in politics.

D. WOMEN'S SUCCESS IN POLITICAL ELECTIONS

One should not talk about women's success in elections with the assumption that they are running for office on gender-based, separate lists--this practice is illegal, the law of the land having established the principle of non-discriminatory, party lists. So women win or lose elections as members of lists, along with fellow candidates. Their chances of being elected are therefore tied to their participation in political parties. Herein comes the negative attitude of men who attempt to block women's competition--especially in rural areas where the political scene is considered as a man's prerogative. Figures show, however, that this does not hold true for the ruling party-- the RCD--50% of whose winning candidates in basic party elections were women in 1994.

As for the opposition parties participating in the legislative elections, no woman was elected.

Therefore, and in spite of the availability of legal texts and a clear political will, traditional obstacles still hinder women's participation in politics.

It would be recommended to adopt the principle of "proportionality," i.e. allocating a pre-set share to women in every political institution, while gradually getting rid of negative mentalities that refuse women's participation in political life.

E. INSTITUTIONS REPRESENTING WOMEN:

In addition to legislative and social progress, women achieved other institutional gains, the most important of which are:

--*Appointment of a woman Minister of Women and Family Affairs* on August 6, 1993--previously the prerogative of a less prominent State Secretariat. The appointed Minister has the task of setting the government's policy with regard to women's development, coordinating the activities of the various women's institutions and structures, as well as supervising the creation and development of related associations.

122

Since it was created, this Ministry has tried to reach the above objectives through its affiliated associations, which are the Center for Research, Study, Documentation and Information on Women (CREDIF); the National Council of Women and the Family; and the National Consultative Commission on Women and Development.

--The Center for Research, Study, Documentation and Information on Women (CREDIF)

The Center was founded in 1990, it is a scientific institution in charge of running and supporting studies and research relating to women. It is also in charge of making recommendation and evaluating the programs aimed at the promotion of women through an annual report submitted to the government, about the situation of women, and focusing on gaps and obstacles that slow down women's development. The Center is also a setting for all women's associations--governmental and non-governmental--with the aim of encouraging women's activities.

--The National Council of Women and Family:

This council is responsible for the coordination between different ministries, and governmental and non-governmental associations related to women and family, as well as for writing a report about achievements and projects related to women and family development.

--The Commission on Women and Development:

In 1991, and in the framework of the Eighth Five-Year Development Plan, a consultative commission on women and development was created for the first time in the history of Tunisian planning. The commission gathers qualified national experts representing all various ministries and institutions, in charge of projects related to women's associations and organizations, no matter what their political bent. The commission has studied aspects of development related to women. Four affiliated committees were created to study women's presence in sectors considered by women and decision-makers as very important to changing women's situation, and directly influencing their way of life, their development and their role in society. These sectors are: (i) Education and Literacy; (ii) Professional Training and

Employment ; (iii) Health and Family Planning ; (iv) Information, Communications and Extension. The four commissions were able to collect statistics relating to women, that were scattered all over ministeries and institutions; they then analyzed the content in order to make recommendations to the decision-makers, and to prepare concrete programs for technical ministries, i.e. Education, Professional Training, Agriculture, Tourism and Crafts, and Health. Additional funds were, for instance, allocated to the promotion of women's professional training, by improving the quality of the programs and increasing the number of women benefiting from it.

Another commission was created to be in charge of assessing the programs that were achieved in favor of women in the framework of the Eighth Plan. The commission met twice with the plan's follow-up committees, meetings in which representatives of sectorial ministries presented reports detailing the implementation of programs targeting of women.

F. WOMEN'S ROLE IN LAW AND HIGHER EDUCATION

In 1990, women represented 10% of the total number of lawyers, and their number is constantly growing. The number of female judges has considerably increased from 79 in 1985 to 255 in 1994, representing 27.5% of the total number of judges (1101). Several women judges were promoted, becoming presidents of sections in courts of appeal and advisors to supreme courts.

Among law school graduates in the class of 1990-91, 41.86% were women, while their proportion was 37.04% in 1988-1989, and 40.31% in 1986-1987 (source: Ministry of Education and Sciences).

G. FAMILY PRESSURES INFLUENCING WOMEN'S VOTING CHOICES

Technically, there is no legal pressure on women's participation in the elections, in the sense that they free to decide which candidates to vote for. However, the issue is that many women are not politically educated, and do not know election procedures, particularly in rural areas

234

where in the very recent past, husbands voted more than once, simply by presenting their wives' voting cards, which is an infringement of election regu'ations.

We should note also that the authorities tried to prohibit such practices during the 1994 legislative and presidential elections, by enforcing the requirement of privacy during the act of voting. Family pressures are due only to women's unawareness and ignorance in political matters, which makes it easier for others to influence them.

CHAPTER FOUR:

EDUCATION AND TRAINING

Legal texts related to education and training further emphasize the principle of equality between men and women. Girls and boys enjoy a cost-free education--a policy adopted by the Tunisian educational system right after independence (put into law on 4 November 1958).

The July 1991 educational reform law reinforced even more the right to education, as Section 7 insists on compulsory education, while Section 32 penalizes any guardian refraining from sending their children to elementary school, or forcing them to leave school before the age of sixteen.

Experience has shown that any educational policy geared toward women's education strengthens the principle of equality and, hence, the democratic process. It also stimulates economic activity and improves society in general.

A. EFFECTS OF EDUCATION ON POLITICAL OPPORTUNITIES

Thanks to the Code of Personal Status, to the Constitution and to all the subsequent laws such as Labor Law, the Elections Code, and laws on schooling, women have enjoyed, since independence, rights that enabled them to receive an education and be part of the workforce.

This is clearly shown in government service where women represent 27.70% of the total number of employees, 33% of the educational staff, and 46% of the administrative agents and technicians in health care. It is, however, noticeable that the higher the rank, the scanter women's presence.

This can be accounted for by women's small numbers in political organizations and institutions. Women's education had more effect on their numbers in the workforce than on their advancement in rank; so education did not affect women's rate of participation in public and

political life. Nonetheless, we notice an increase in the rate of women's presence in municipal councils, as it reached 14% in 1990, while it was 1.29% in 1957, and 5.11% in 1975.

Women's education, though it explains their contribution to the labor force, does not explain their modest participation in politics where they still face traditional obstacles which prevent them from having a substantially effective presence, despite the existence of legal texts authorizing this participation. Therefore, women first need to get rid of old-fashioned beliefs, then educate themselves politically. The dynamic activity characterizing women's associations today, which have increased from one to ten associations, along with the improvement [of women's images] in school textbooks carried out in the framework of educational reform, challenges the perception of women's inferiority in the political field.

This educational reform is actually an initiative that meets the objectives set by the Ministry of Education and Sciences, and which was put into practice in the programs and textbook changes, with the purpose of reinforcing the principles of democracy and human rights. The reform also focuses on the principle of equality between men and women and the rights of women in the political, economic and social fields. These principles constitute the most important means likely to inculcate women's rights in the minds of children, who are the adults of tomorrow's society.

B. THE IMPACT OF EDUCATION ON ECONOMIC OPPORTUNITIES

Just as education has an effect upon women's political chances, so education also opens opportunities for women. Since the seventies, we have noticed an increasing number of women in the employment market, and in particular in the educational and health sectors.

It is obvious that education and training are the keys to women's entry into the job market, including into managerial positions. The differences that characterize males' and females' choices with regard to school and university majors account for the scant presence of women

in quality jobs, as girls are rarely oriented towards technical or managerial majors which are the most requested, and hence are very competitive, especially in the private sector.

Nonetheless, there has been a positive trend lately in females' selection of scientific and technical branches, as their rate in basic sciences increased from 10.6% in 1980/81, to 35.1% in 1992/1993.

In addition to the problem of academic majors, there are several other factors which exacerbate bias in favor of men in the job market, among them training opportunities, level of awareness, technology stereotypes, property ownership matters and bank loan procedures.

In the area of training, there are more men attending training programs than women, who represent only 22% of the total number. Usually, women tend to be trained in traditional handicraft industries, considered to be "appropriate" for them (sewing, carpet-making, working with wool, embroidery), leaving to men specialties requiring other qualifications, and in demand in the job market. For instance, women represent only 2% of the total number of trainees in the field of electricity, while they represent 100% of trainees in "services," and 76.25% in textiles. As for the issue of choice of academic majors, the Center for Research, Study, Documentation and Information on Women (CREDIF), in collaboration with the Ministry of Education and Sciences, has been organizing orientation sessions for seventh-grade female students, aimed at encouraging them to choose technical, scientific, accounting and management studies.

Another example that demonstrates the impact of education on women's contributions to the economy, and to the employment market, is the case of 12 female technical supervisors in agriculture, graduates of higher institutes of agronomy, who acquired farmland and are cultivating it by themselves. There are also 75 women who are involved in "integrated farming" [agribusiness] projects.

In the industrial field, one thousand women have set up their own projects, which has led the government to create a structure within the Tunisian Union for Industry and Trade (UTICA), expressly to assist female business leaders. The fact that 12% of the total number of industrial companies registered at the Business Office of the Tunis region, including the districts of Tunis, Ben Arous and Ariana, are owned and run by women, is proof enough of the important role played by women in the economy and in the creation of new jobs. This rate is, of course, still low when compared to the rate of men.

C. THE RELATIONSHIP BETWEEN LITERACY AND LEGAL AWARENESS

In 1994, the National Tunisian Union of Women (UNFT) conducted a survey on the image of women and their status in the household and in the society. The research included a survey of one thousand women, to ascertain whether they were aware of the 1993 changes in the Code of Personal Status, the Nationality Law, the Penal Law and the Employment Code. Nearly 47% of the women answered "no." The same research showed that 57% of Tunisian women did not know the content of the Code of Personal Status. It also showed that more men knew about the August 1993 changes than women (55% for men vs. 50% for women), and that the awareness rate among illiterate people--men and women--was weak (40%) when compared to those who are literate (67% for secondary school level, and 92% for university graduates).

What are the reasons behind this legal ignorance? Is it due to the illiteracy rate of Tunisian women, and particularly in the countryside?

Herein lies the importance of organizing extension programs to raise the awareness of women about the contents and meanings of legal texts concerning them, so that they become accessible to all, including illiterate women. The fact that women, because of their illiteracy, do not benefit from existing laws which protect them, is unacceptable on the eve of the 21st century. The gap between legal theory and parctice is widened by illiteracy, making customs and traditions still take precedence over the law, at times.

National women's structures--governmental or non-governmental--have tried to overcome this problem by launching awareness programs through mass-media, school textbooks, and simplified handbooks in order to help women to know their rights better. For example, there are radio programs dealing with women's issues, broadcast by national and regional stations, in a simple form aimed at both educated and illiterate women.

The first women's legal guide was published in 1983 by the League of Women in the Legal Professions, affiliated with *UNFT*. It is a thirty-seven page reference book that includes answers to the most frequent questions and issues dealing with the legal problems facing women in their family, professional and social life.

Another simplified and illustrated book, targeting female students of the early elementary school grades, has recently been published by *CREDIF*.

To conclude, it is necessary to pursue the efforts that have been undertaken by the Tunisian Government, and by Non-Governmental Organizations, to remove all forms of ignorance. In this context, *UNFT* won the UNESCO literacy award in 1994, in recognition of its literacy efforts targeting women all around the country.

CHAPTER FIVE:

THE ROLE OF WOMEN IN DEMOGRAPHIC ISSUES

A. WOMEN AND FAMILY PLANNING

Since 1966, Tunisia has adopted a nationwide family planning program to protect mothers and children, to achieve a balance between population growth and socio-economic development, and to improve the standard of living. This program was reinforced by legal initiatives, the most important of which were those concerning the import of contraceptive means (Law N 617 adopted on 9 January1961), and the legalization of abortion (Law N 42 of July 1967, amended by Law N 42 17 November 1973), authorizing abortion during the first three months of pregnancy, performed by medical doctors practicing in authorized clinics. Beyond three months, abortion may be authorized, on an exceptional basis, if the continuation of pregnancy threatens the mother's physical or mental health, or presents a serious danger to the foetus, as stated in writing by the patient's physician, to the specialist in charge of performing the abortion.

In order to enable every Tunisian to choose the size of his or her family by using appropriate means, the family planning program was institutionalized by the creation of the National Family and Population Office (*ONFP*) by Law N 17 of 23 March 1973. This population policy proved to be very positive as the rate of women using contraceptives increased from 31.4% in 1978 to 52% in 1992. The per capita fertility rate decreased from 7.2 children per woman in 1967, to 3.5 in 1985. Similarly, the natural demographic rate dropped from 2.54% in 1984 to 1.91% in 1990.

Women have played a major role in the success of this demographic policy. As a result of the educational system, the average age of marriage increased from 19.5 in 1956 to 22 in 1975, then to 24 in 1990. Nonetheless, there is one year and a half of age difference between rural and urban women. We also note that women with a minimum of a secondary school education marry at an age 3.4 years higher than that of illiterate women, and 1.5 years than that of women who have a primary school educational background. The information and awareness

policy adopted by the *ONFP* has helped spread a nationwide acceptance of family planning. This was achieved by mobile family planning clinics, which visit remote areas (located either in mountains or deserts), and multi-purpose caravans offering health and cultural services. In addition, specialized television and radio programs have played a considerable role in raising awareness among Tunisian citizens--men and women alike--concerning the importance of family planning, and hence the removal of traditional constraints. This led to a widespread acceptance of family planning as an obvious matter in our society.

B. CONSTRAINTS ON USING FAMILY PLANNING FACILITIES

The traditionalist/conservative movement which appeared in the eighties was accompanied by an anti-family planning trend. The government responded by undertaking a media and communication campaign on television and radio, and an extension program through mosques, which focused on the fact that family planning was based on the general concept of human rights, reflecting a respect for the right of every member of the family and of society as a whole. These efforts also insisted that family planning aims at realizing balance within the family, by improving the living conditions, and enabling it to cope with the new way of life, brought about by society's economic and cultural developments. Imams would explain that neither the Koran or the Hadith, on the one hand, nor religious experts, on the other, deny family planning. On the contrary, the Prophet Mohammed's companions used to practice family planning through abstinence. Islamic Law authorized family planning through abstinence or temporary interdiction (man'a mu'aqqat). Some rural women, however, still refuse to talk about issues related to their sexual lives. Government authorities struggled to reduce this resistance to family planning, by training female social workers, and appointing them all around the country, to reach out to women, wherever they were located, and to communicate with them successfully. *ONFP* has also trained midwives in the field of family planning, who have been appointed to work in health centers, in rural areas In 1992, there were 6.8 midwives per 10,000 women of child bearing age, with some shortage in the central and southern governorates: only 3.5 in Medenine, 3.6 in Kebili, and 2.8 in Kasserine.

CHAPTER SIX

AVAILABILITY OF INFORMATION ON WOMEN'S LEGAL RIGHTS

A. EFFORTS TO IMPROVE WOMEN'S AWARENESS OF THEIR RIGHTS

The policy choices of the Tunisian government have enhanced the position of women in all regards. However, despite the availability of legal texts providing women with the same opportunities as men to enter into various domains, their presence in the information and communication sector is still below expectation, though it has progressed somewhat over the last few years. The number of women graduates of the Higher Institute of Journalism and Information Sciences (*IPSI*) reached 110 journalists during the Seventh [5-year Economic] Plan, and the presence of women is an important factor to improve the image of women in the media, or rather to give a fair representation of their social status and achievements. In any case, the prevalent opinion among women today is that the media are still failing in their mission to make women's rights more known.

The absence of women from the information sector, and hence their lack of participation in the setting of information policies, constitutes a handicap which affects the representation of women's realities. This can be found in all media: the press, radio, television, as well as in the wire service (*TAP*).

It is worth mentioning that there has been a large increase in the number of women's magazines. Indeed, five specialized titles, targeting women, are being published now. These are mainly geared toward the needs of urban women, as they include articles related to fashion, cooking, and interior decoration, in addition to legal, political, and economic feature articles. Rural women who are often illiterate, are not concerned with these magazines. They could benefit more from broadcast media. A number of entertainment programs on radio, such as plays and folk music are popular in rural areas.

Also on radio, women-oriented programs have considerably increased over the many years since the Tunisian radio system (*ERTT*) started. The national radio station, for instance,

presents a bi-weekly morning program focussing on issues related to women as workers and as housewives. These programs often invite experts specializing in women's issues in the areas of psychology, sociology, medicine or law. But, the programs are usually presented in standard Arabic, which makes it hard for uneducated, mostly rural groups, to grasp the program's content and goals. In addition, there is a weekly program which aims at raising listeners' awareness about legal matters. This program is conducted by a woman lawyer who explains the laws, and describes, in a simplified language, judiciary procedures and how to follow them. The media also participate in the organization of special television forums on women's issues, to which a number of guests are invited, to discuss these questions, and provide answers and opinions, the guests include government officials, political party delegates, women's associations representatives, as well as legal and human rights experts.

The efforts made by *ERTT*, and by some associations--especially by *UNFT*, thanks to its well-established network all over the country--hold programs aimed at presenting women's rights and achievements, especially during occasions such as International Women's Day, or Tunisian Women's Day. A number of regular programs are organized by the League of Women in the Legal Profession, to deal with important legal issues presenting specific difficulties of implementation. In 1993, for example, the League dealt with problems such as: alimony, support funds, rules of evidence in cases of domestic violence, property rights in the context of marriage, child housing arrangements, etc. In addition, the League created, at its founding in 1981, an extension and information center, where women legal experts respond to inquiries by the public, and give advice and recommendations. Taskforces with the same mission have been also created at the various government ministries.

Similarly, the Center for Research, Study, Documentation and Information on Women (*CREDIF*) collects data about women, and disseminates the data in forms appropriately designed to reach various audiences. Nevertheless, since its creation in 1991, *CREDIF* has addressed mostly educated groups, while rural women have not benefitted from its services.

Among awareness and extension programs, one should mention the different programs undertaken by *ONFP* in dispensaries, aimed not only at healthcare issues, but also at dealing with social problems related to women's lives, rights and duties.

The Democratic and Constitutional Rally (RCD, the ruling party) has also organized multi-purpose caravans to remote areas inside the country. These caravans included both male and female service and care providers. These caravans hold meetings with rural people about healthcare, law, and social questions.

It is obvious that many efforts are made in order to raise the wareness of Tunisian women about their rights. But, more efforts should be invested prticularly in rural areas, until rural women become fully aware of their rights, and consequently the education/literacy gap between them and urban women is bridged.

B. EFFORTS TO EXPAND OR REFORM WOMEN'S LEGAL RIGHTS

The principle of women's rights started in Tunisia soon after independence, and, in particular, since the publication of the Code Personal Status on 14 August 1956, well before the issuing and ratification the country's Constitution. The progress of women's rights is reflected in the Code of Personal Status, in Labor Law, in the Penal Code, and in the Nationality Law, including the recent amendments, following the suggestions made by the legislative commission created by a 1991 presidential decree. This Commission's goal was to study the laws affecting women, and their compatibility with Tunisian current state of development. It was made up of religious and legal experts, politicians, and sociologists.

A sampling of the most important recent amendments as presented in *UNFT*'s *Women's Magazine*, N 72, of August 1993 follows:

Article 6: Marriage of Minors

Mothers did not have the right to express an opinion regarding the marriage of their minor children, because this was a guardian's responsibility as stated in Section 6 of the Code of Personal Status. The Guardian shall be a male, according to Section 8 of the same Code.

The last amendment gives mothers the same right as fathers concerning the marriage of their minor children. So now, both parents' consent is necessary in these cases.

Article 23: Marital Relationships

This amendment of the Section concerning this matter, touches on two issues. removing from the text the word "obedience" which instituted a hierarchy in the family, in which women are placed iin inferior positions, as they were were required to obey what their husbands ordered them to do. The issue is not whether a wife should or shouldn't obey her husband. In fact Islam's teachings which call for this principle do not make it absolute, and place restrictions in the case of husbands who are not morally worthy, particularly if they are not "good Muslims," and do not judge with compassion and act with grace.

What convinced Tunisian legislators to remove the word obedience was the abuse they observed, on the part of a number of men, in relying on that terminology. It is to be noted, nevertheless, that men remain heads of households; and spousal relationships and duties are still subject to the country's customs and traditions.

The second reason for amending this article is to reinforce the principle of balance and fairness within the household, and to achieve a level of harmony and partnership, through mutual respect and equal participation in household decision-making. We should also consider it as sign of justice that a wife's financial contribution to household finances has acquired a mandatory character.

Sections 32 and 32a

The new version of section 32 has integrated important reforms in the [marital] reconciliation sessions, for these sessions are now headed by a judge, specializing in family law, rather than a just any judge, as was the case in the past.

In addition, the new text specifies that the address of the husband-plaintiff address should be known with accuracy, and the trial should be postponed if the husband is absent for not having personally received the summons. What is important to note also is that Section 32a includes a one-year imprisonment sentence for any person found guilty of having deliberately avoided the reception of the summons sent by the other partner. This is obviously aimed at discouraging this type of behavior on the part of men or women. At the same time, this provision sends a clear warning against misuse of the law. Furthermore, the above mentioned Section requires that spouses wanting to divorce hold at least three reconciliation meetings, when minor children are involved, with a minimum of thirty days between each two of them,

The new law also enables the judge to seek the assistance of any person he or she thinks might help in achieving reconciliation. This is certainly aimed at preserving family structure, and is an implementation of Islamic teachings: "they are no more to blame if they reconcile, as reconciliation is finer" (The Koran, Nisaa Chapter).

The amended law also stipulates that there should be a two-month waiting period before the legal procedure for divorce is officially started. This is meant of course to give a chance to both husband and wife to rethink their position, and possibly change their minds about divorcing. Proceedings may, however, be expedited if there is a mutual agreement on separation, if that does not affect the best interest of the children.

Sections 43 & 44: The Rights of Maternal Ascendants

Before amendment, the law did not recognize the right of maternal grandfathers and grandmothers to get financial support from grandchildren. Only the paternal side was granted that right. The amendment has now extended that right in the same way to the maternal side. However only the first generation of the mother's ascendants are extended the right to get support, wheras there is no limit for the father's ascendants.

This is obviously a reinforcement of the family relationships and an encouragement for household union and integrity.

Section 46: Child Support

According to the old [unamended] law, male children have the right to parental support [in case of divorce] to the age of sixteen, at which time they were assumed to be able to earn income. The new law raised this age to 20--which is the legal age of maturity--and extended it to 25 if the children still attend school. As for girls, the right to child support has not changed; i.e. a girl gets support as long as she is not married. Then, when she is, the husband is always the one legally responsible to support her.

The amendment provi that once the recipient has [sufficient] new income, the right to receive child support is terminated, which was not the case before. We don't have to look at whether the new legislation is pro- or anti-women's rights, for it is obviously designed for the benefit for the entire family, as it is based on the principle of justice and on logic; the father cannot forever and logically provide child support for a wealthy daughter based on the simple reason that she is female! The new law also provides handicapped children, not able to earn an income, with a lifetime support. This is certainly an important decision which aims at providing lifetime security for handicapped children.

Section 53a: The Crime of Not Paying Support

No change has been brought to this Section. The principle still is to punish any person who has not paid the child support obligation imposed on him. The change lies in the fact that payment stops the procedures or the application of the sentence. This aims at encouraging payment of the support, and also reconciliation between partners.

The new law also describes the *Child Support Fund* which can be used when support cannot be paid by the defendent sentenced to pay.

Section 67: Guardianship

The amendment introduced concerns the right of guardianship. According to Tunisian law, old or new, guardianship has always been the father's right, as long as he lives and is legally competent. This means that the mother becomes the legal guardian of the children only when the father dies, or loses legal competence, regardless of her marital status, and even if she has legal custody. This used to cause tragic problems at times, in addition to the daily difficulties the custodian-mother faces in taking care of her children's needs. The new law recognizes that the mother who has custody has some guardianship rights too, namely: to decide about a child's travel, studies and financial interests.

When it is proved that the father is no longer able to assume his guardianship responsabilities, or that he refuses to perform them, the new law permits advocating the transfer of guardianship rights to the mother--a change which can be seen as a victory for wisdom, social justice, and children's rights, as the child is first and direct victim of the old law, when the father used to be the exclusive guardian as long as he was alive and legally competent.

Section 153: Maturity

Finally, the new amendment considers that minors--male or female--who marry after the age of seventeen, are considered adults, and legally responsible for actions related to their personal status, and civil or commercial interests.

In conclusion, we should say that reevaluating and developing the law in our countries depends on the political will. However, unlike the genesis of the Code Personal Status, which was the result of the personal initiative of the first President of Tunisia, the leader Habib Bourguiba, and which encouraged change in social behavior and traditions, at a time when the literacy and social development in Tunisia was still limited. The 1993 laws were adopted at the the initiative of President Ben Ali, but based on recommendations made by experts in religion and law, who were in charge of analyzing and assessing all laws related to women and the family.

CONCLUSION

It is obvious then that, in general, Tunisia enjoys regulations that support the principle of equality, which represents a tremendous achievement, for the law is the main protector of the individual in a society ruled by laws and by institutions. This alone is unfortunately not enough to change behavioral patterns, if it is not accompanied by generalized education, by adequate extension and awareness programs throughout society--men and women--with the support of all, to address women's issues as a part of society's prerogatives in general.

Indeed, and as was stated by Kacem Amin: "In order for a society to improve, it has to improve the status of women." Political will at the top level in Tunisia, which fully supports women's progress, so that they are thoroughly included into the development process, constitutes the backbone of this aspiration. As the President stated "women's work constitutes the key to their development; it is a great achievement for them, for their families and for the whole of society. As we reinforce this right, we will strengthen it through legal texts and regulations."

ANNEXES

WOMEN'S ASSOCIATIONS IN TUNISIA

THE NATIONAL UNION OF TUNISIAN WOMEN

Identification: It is the first national association for women and was created in January 1956, after the declaration of self-rule in Tunisia . It aims at heightening women's awareness, at educating girls, and helping female students who study in foreign countries.

Date of creation: 1956

Registration n . 3200

Number of Sections: 27, one per province (22), and five in the province of Tunis.

Number of branches: 650, spread all over the country

Number of members: 100,000

Executive Committee: 15 members

Central Committee: 70 members, elected every five years

Objectives: --To promote women in the political, economic, social, scientific and cultural fields, and to guarantee that women will have equal rights with men in all fields.

--To provide adequate work opportunities for women, and to help the latter to reach high professional ranks.

--To help women to stand up for their rights and responsibilities in the family and society, and to increase their participation in the country's development.

--To train women in different fields and integrate them into the process of development.

--To strengthen the family, and encourage respect for motherhood and child care, and to strive to change mentalities in order to bring about a better interaction between men and women.

--To cooperate with all national associations and structures which aim at women's promotion in the framework of national development and in conformity with the guidelines of the National Pact [of 1983].

--To set up and develop relationships with associations and groups in other countries, and with international organizations, which deal with women's issues, through the exchange of experience and know-how, in order to promote peace in the world.

Address: 56, Avenue Bab Benat, Tunis

Tel n : 260.187 / 260.181

Fax n : 567.131

THE TUNISIAN ASSOCIATION FOR DEMOCRATIC WOMEN

Identification: This association defends women's rights and achievements and struggles for equality and civil society.

Date of creation: August 6, 1989

Registration n : 3690

Objectives: --To eliminate all forms of discrimination against women

--To increase the awareness of women in relation to their legal rights

--To encourage the participation of women in all sectors

Address: 6, rue du Liban, Tunis, Tunisia

Tel n : 794-131

Fax n : 794-131

THE NATIONAL CHAMBER OF WOMEN IN MANAGEMENT

Identification: This is a professional association attached to the Tunisian Union for Industry, Commerce and Handicrafts [UTICA]; it deals with industry, trade and other services.

Date of Creation: June 29, 1990

Registration n . Functions as a chapter of the UTICA

Members: 250

Objectives: --To defend the rights and attainments of women managing their own enterprises, in the socio-economic field or in the field of finances and taxes, and to intercede when there are constraints to their work, development and cooperation.

--To encourage and train women business owners to communicate with women colleagues, at the national or international scale, through the exchange of visits .

--To encourage women business owners to take part in the activities of unions and their regional offices.

--To organize seminars and information meetings and to participate in the international events having the same objectives as the Association.

Regional Offices: --Sfax

--Gabes

--Sousse

--Nabeul

Address: 103, Avenue de la Liberté, 1002 Tunis

Tel n : 780.366

Fax n : 782.143

Telex: 13982

THE ASSOCIATION OF TUNISIAN WOMEN FOR RESEARCH AND DEVELOPMENT

Identification: This association was created in February 1989. It is a branch of the Association of African Women for Research and Development which is located in Dakar, Senegal.

This association aims at carrying out studies on the integration of women into the development process in order to take an active part in the decision-making concerning the socio-economic development of their countries.

Address: Rue 7301, Cité Sprols, n 4, Menzah 9, Tunis

THE NATIONAL COMMITTEE ON WORKING WOMEN (SECTION OF THE TUNISIAN GENERAL LABOR UNION)

Identification: Since its creation, the Tunisian General Labor Union (UGTT) has shown significant interest in working women, and during its third Congress, a special section on women's issues[was added to the by-laws]. This attention [to women's issues] did not become formalized and structured until the 1980s when the Executive Board started the committee on the issues of working women within the research department of UGTT--a committee regulated by the same texts as the other committees of this department. The prerogatives of this committee were to identify and analyze issues, to raise awareness about them, and to submit proposals to UGTT structures.

This committee conducted several activities, and presented a number of studies included in the social and economic report submitted to the 16th Congress which was held in 1984. After the Congress of 1989 held in Sousse, several attempts were made to reactivate this committee, which led to its inclusion in the official UGTT By-Laws (Section 44, July 1992). This Section stipulates the creation of a national committee on working woman and regional sub-committees which are attached to the UGTT Training and Education Department.

Date of Creation: July 1992

Registration n : Per Union By-Law amended 1992 (Section 44)

Number of Sections: Sub-committees throughout the whole country : 27

Objectives: --To prepare theoretical and field studies on the legal and socio-economic status of working women.

--To organize extension activities to raise awareness about the conditions of working women, especially through meetings, conferences, and cultural activities, and through information and activism.

--To design and implement programs to train workers in labor union activities, and cultural programs targetting women union members and workers

--To establish cooperative relationships with democratic associations dealing with women's issues within the country.

--To establish solidarity and friendly relationships with other committees in international union associations, and to organize common activities to promote UGTT goals.

Address: Rue de Grèce, Tunis

Tel n : 347-808

THE NATIONAL FEDERATION OF WOMEN FARMERS

(NATIONAL UNION FOR AGRICULTURE AND FISHING)

Identification: It is a specialized Federation related to the National Union for Agriculture and Fishing, and deals with women farmers.

Date of Creation: December 21, 1990

Sections: 18 regional sections and 2 local ones

Objectives: --To train women farmers and to participate in their socio-economic promotion through various methods, and especially:

--To help women farmers organize

--To assess the needs of women farmers in order to help them pursue their goals.

--To study the development of agriculture and the national and international economic situation, and to find solutions which may have a positive impact on the sector.

--To study the financial and technical problems of the agricultural sector and to contribute to finding solutions to them, including by providing cash and in-kind assistance.

--To set up strategies which aim at increasing women farmers' incomes and improve their social status.

--To support the role of women in agricultural production and business

--To promote family productivity

Address: 6, Avenue Habib Thameur, Tunis

Tel n : 246.920 / 254.988

Fax n : 790.481

ASSOCIATION FOR THE PROMOTION OF WOMEN'S ENTERPRISES

Identification: This association deals with the promotion of women's situation and their integration into the economic system.

Date of creation: June 10, 1990

Registration n : 476

Members: 43

Objectives: The Association for the Promotion of Women's Enterprises was created at a time when economic crises were pushing people to think about finding appropriate solutions for the unemployment problem. Its goals are:

--To integrate women into the national economic system and better their economic and social situation.

--To help women obtain the necessary funds to create their own economic projects.

--To create a new dynamicwhich helps women improve their opportunities for getting investments and establish economic projects in the country

--To heighten women's awareness about project management and to provide the necessary training through the participation in training programs and through exchange of experience

--To make the necessary studies prior to the establishment of projects and to help women to prepare loan and license applications

--To follow up the development of projects during the period of loan repayment.

Address: 6, rue Ali Ibn Abi Taleb, 1004 El Menzah VI- Tunis

Tel n : 238-954

ALYSSA CLUB

Identification: It is a women's organization whose objectives are cultural; it is classified as a cultural and artistic association by law n 52, of 2 April 1992.

Date of creation: April 15, 1990

Registration n : 3777

Members: 42

Objectives: --To organize cultural activities

--To organize leisure activities for women

Address: The International Cultural Center

Hammamet, Avenue des Nations-Unis

FAOUZIA KALLEL CLUB

Identification: It is a women's organization with various socio-cultural activities.

Date of Creation: July 13, 1988

Registration n : 58

Members: 12

Objectives: Soc'al and cultural objectives

Address: Avenue Habib Thameur

Route de Hammamet, Nabeul

ASSOCIATION OF "RUE EL BACHA HIGH SCHOOL" FORMER STUDENTS

Identification: It is an association in conformity with the law dated November 7, 1959, published in the Official Journal on December 22, 1959, amended by the 1988 and 1992 laws.

Date of Creation: March 7, 1986

Registration n : 017

Members: 14

Objectives: --To organize and facilitate communication between all former students
--To publish a newsletter
--To organize various socio-cultural activities and sports competitions
--To create interactions with other national and foreign associations in order to organize common activities

Address: 29, rue des libraries, Tunis

WORLD WOMEN'S MOVEMENT (MMM-TUNISIA)

Identification: It was created in 1992 and aims at encouraging mothers and helping them to fulfill their family and work responsibilities. The association tries also to include women in social and economic development activities.

Address: Dar Al-Usra
2, rue du Lycée, El Menzah VI, 2080 Ariana

THE WOMEN'S SPORTS ASSOCIATION

Identification: This association was created in 1955. It is one of the first sports and education associations. It aims at helping girls spend their leisure time performing sport.

Address: 3, Avenue Habib Bourguiba
Tunis

Tel n : 256.632

THE ASSOCIATION OF "MONTFLEURY HIGH SCHOOL" ALUMNAE

Identification: This is a socio-cultural association, created in 1978.

Address: 38, rue Abu-L-Kacem Chabbi, Montfleury

Tel n . 243-178

SOUSSE HIGH SCHOOL ALUMNI CLUB

Identification: This is a social and cultural association, founded in 1993

Address: 7, Avenue Tahar Sfar, Sousse

Tel n : 220.789

Fax n : 240.421

BIBLIOGRAPHY

[Translator's note: In the bibliography below, brackets have been used to indicate additions made by the translator.]

I. Works Cited

A. Legal Texts

The Constitution

The Code of Personal Status

The Election Code

Texts dealing with Political and Civil Rights

Code of Obligations and Contracts

Labor Law

Basic Law regulating State and Local Government Employees

Social Security Law

Code of Civil and Business Legal Procedures

Law of Educational Reform

B. Books, Reports and Periodical References:

Agrebi, Saida. *Rural Women's Rights*

Aouij, Emna. *Women's Rights*

El Mar'aa magazine, 72 (August 1993), published by UNFT.

Kefi, Faiza. *The Right to Education*

Mahfoudh, Dorra. *Rural Women of Marnissa*

El Mar'aa magazine, 72 (August 1993), published by UNFT.

The Role of Women and their Situation in the Family and Society. UNFT.

The Tunisian Report, to be presented at the 4th World Congress on Women (Beijing 1995). Ministry of Women and Family Affairs.

Tunisian Women: Reality and Perspectives. Center for Research, Study, Documentation and Information on Women (CREDIF).

The Women's Work in the Tunis Region. League of Women in the Legal Profession

(a section of the National Union of Tunisian Women, UNFT).

II. Literature on Tunisian Women

Abdelwahab, Hassen Hosni. *Famous Tunisian Women: A Historical and Literary Study of Famous Tunisian Women from the Islamic Period until Today.*

Attia, Faouzia. *Women and Social Mentality in the Arab World.* Tunis: Arab League Educational, Cultural, Scientific Organization (ALECSO), 1983.

Bacha, Chedly. *Family Planning in Tunisia.* Tunis: [n.p.], 1976. 82 pp.

Ben Mohammed, Mohammed and Moncef Ayari. *The Image of Women through Arab Women's Magazines.* Tunis: Institute of Journalism and Information Sciences (IPSI), 1984. 144 pp.

Bouden, Chakira. *Physical Activities of Women in Urban and Rural Areas.* Tunis: Ecole Normale Supérieure, 1989. 102 pp.

Haddad, Tahar. *Women in the "Shariaa" and Society.* Tunis: Maison Tunisienne de l'Edition, MTE, 1989. 221 pp.

Kchouk, Mohammed Jalel. *Liberation of Liberated Women.* Ser. Toward an Islamic Awareness. Vol. 25. Tunis: Bouslama Press, 1986. 28 pp.

Labidi, Lilia. *The Origins of the Women's Movement in Tunisia.* 2nd ed. Tunis: [n.p.], 1989. 80 pp.

Legal Guide: Women in the Legal Profession Answer Your Questions. League of Women in the Legal Profession, UNFT. Tunis: [n.p.]. 102pp.

Majed, Jaafar. *Tahar Haddad.* Ser. Selections from Arab Literature. Tunis: MTE, 1985. 187 pp.

Mechri, Bechir. *Women in Arab Society, through "Ayoun El Akhbar" of Ibn Qutaiba.* Tunis: Faculty of Arts and Sciences, 1980. 230 pp.

Nacef, Bechir. *The Book of Female Illnesses.* Tunis: Faculty of Medicine, 1981. 705 pp.

National Union of Tunisian Women's Conventions: Strategy and Evaluation. Tunis: UNFT, 1986. 24 pp.

Tunisian Women: Struggles and Achievements. Tunis: UNFT/Ministry of Culture and Information, 1990. 79 pp.

Tounii, Amor Mohammed. *A Study of the Effect of Adult Education in Helping Rural Women to Understand their Role in the Society.* Tunis: ALECSO, 1983.

Women's Movement in Tunisia. Tunis: UNFT, 1986. 24 pp.

III. Books, Dissertations and Theses (in French)

Abid, T. "The Divorcee's Pension in the Code of Personal Status." RJL, (Jan. 1985), [n.pp.].

Agrebi, Saida. *The Rights of Rural Women.* Ser. Tunisia and Human Rights. Tunis: Snipe-La Presse, 1992.

Badra, Bchira. *The Stakes for Independent Feminism in Tunisia: Models and Practice.* Ser. in sociology, N 21. Tunis: Cérès, 1993.

Becheur, A. "The Concept of Custody in Tunisian Family Law." *Revue algérienne des sciences juridiques, économiques et politiques* (1968), [n.pp.].

Bel Hadj Yahia B. "The Loss of Adoption Rights." *RTD*, 1979.

Ben Achour; Y. "Islam and the Constitution." *RTD*, 1983.

Ben Achour, Yadh. *Politics, Religion and the Law in the Arab World.* Tunis: Cérès (CERP), 1992.

Ben Achour, Sana and Slim Laghmani. "International Law, Local Law and Islamic Law." In Proceedings of a Colloquium on *Non-Discrimination with regard to Women: Between the Copenhagen Convention and Identity Discourse.*Tunis: CERP (Center for Study, Research, and Publication), 6-13 January 1988.

Ben Mustapha, A. *Equality Between Men and Women in the Code of Personal Status.* Tunis: Faculté de Droit, Sciences Politiques et Economiques, 1977.

Ben Said-Cherni, Z. *The Excesses of History in Tahar Haddad: Workers, God, and Women.* Tunis: Ben Abdallah, 1993.

Bessis, J. *Women and Politics around the Mediterranean.* Paris: L'Harmattan, 1980.

Borrmans, M. *The Status of Women in the Maghreb from 1940 to the Present.* Paris: Editions Mouton, 1977.

Bourguiba, Habib. *Along with Rights, Women have Responsibilities.* Tunis: [n.p., n.d.].

Bouraoui, S. *The Masculine Order and the Feminine Fact in Tunisia Today: a Modernity beyond all Doubt.* Paris: CNRS, 1980.

Chammam, M. "The Regulations concerning Custody and their Development in Tunisian Practice." *RJL* (July 1982), [n.pp.].

Chater, S. *Tunisian Women: Citizens or Subjects.* Tunis: MTE, 1979.

Chegrouch-Gharbi, Raoudha and Tahar Al Haddah, M.S. Ben Mrad, and Ridha Boukraa (Dir.). *Two Conflicting Interpretations of the Status of Women in Society.* Tunis: Faculté des Lettres et des Sciences Humaines, 1989.

Chkir, Hafidha. "Legislating the Emancipation of Women: Myth or Reality." Ser. in Psychology. *The Differential Psychology of the Sexes.* Tunis: Ceres, 1986.

_____. "The Reservations of Tunisia." In Proceedings of a Colloquium on *Non-Discrimination with regard to Women: Between the Copenhagen Convention and Identity Discourse.*Tunis: CERP (Center for Study, Research, and Publication), 6-13 January 1988.

_____. "Toward Effective Equality in the Code of Personal Status." *Revue Soual*, 198 5[n.d.]), 82.

Chelli, Mounira. "Is It True that Women Liberate Themselves by Liberating their Sexuality?" In *The Differential Psychology of the Sexes.* Tunis: Cérès, 1986.

Cherif-Chammari, Alya. *Women and the Law in Tunisia.* Casablanca: Fennec Press,

Chtioui-Aouij, Emna. *Women's Rights.* Ser. Tunisia and Human Rights. Tunis: Snipe-La Presse, 1992.

Dargouth-Medimegh, Aziza. *Rights and Practice with regard to Women in Tunisia.* Paris: Hermes-Edilis, 1992.

Elloumi, T. "Novelty in the Code of Personal Status." (Arabic text). *RTD* (1983), [n.pp.].

Ferchiou, Sophie. *The Role of Women in the Transmittal of Family Inheritance.* [n.p., n.p., n.d.].

_____. *Women in Tunisian Agriculture.* Paris: Edisud-Ceres, 1985.

Ghanmi, Azza. *The Tunisian Feminist Movement: Testimony about the Autonomy and Diversity of the Women's Movement.* Tunis: Chama, 1993.

Haibl Sfayhi, N. "Tunisian Women: Psychological and Sociological Aspects of their Evolution." Diss. Paris, Sorbonne1980.

Hizem, S. "The Marriage of Muslim Women with Non-Muslims in Tunisia." Thesis. Paris 1974.

Horchani-Zamiti, M. "Women, Rights and Perceptions: Women of the Medterranean." *Peuples méditerranéens,* 22/23 (Jan.-June 1983), [n.pp.].

Jemaa, Fethi. "Women and Basic Rights." In Proceedings of a Colloquium on *Non-Discrimination with regard to Women: Between the Copenhagen Convention and Identity Discourse.*Tunis: CERP (Center for Study, Research, and Publication), 6-13 January 1988.

Jendoubi, Ajmi. *The Impact of International Norms on Tunisian Working Women.* Tunis: University of Tunis, 1989.

Kéfi, Faiza. *Rights to Education.* Ser. Tunisia and Human Rights. Tunis: Snipe-La Presse, 1992.

Labidi, L. "Cabra Hachma and the Medical Discourse." Diss. Univ. of Paris VII 1986.

Lajili, J. "The Power of Agnats and the Power of the Father: From the Muslim Family to the Tunisian Family." *RTD* (1974), [n.pp.].

Lakhal Ayet, Neziha. *Tunisian Women and their Legal Status.* Tunis: Dar El Amal, [n.d.].

Lakhoua, H. "Reflections on Arbitrary Divorce." *RTD,* (1974), [n.pp.].

Mahfoudh, D. *Peasant Women of Marnissa.* Tunis: [n.p.], 1983.

_____. "The Unionization of Women: Women and Development." *Peuples méditerranéens,* 44/45 (July-Dec. 1988), [n.pp.].

Marzouki, Ilhem. "Feminism and Politics: the Women's Movement in Tunisia from the Beginning of the Century Until Today." Diss. Tunis, Faculté des sciences humaines 1986.

_____. *The Women's Movement in Tunisia: Feminism and Politics.* Tunis: Cérès, 1993.

Mezghenni, A."Reflections on the Relation between the Code of Personal Status and Islamic Law." Tome II. *RTD* (1975), 53.

Meziou, K. "Feminism and Islam in the 18 February 1981 Amendment of the Code of Personal Status," *RTD*, CRP (1984), 253.

Proceedings of a Colloquium on *Non-Discrimination with regard to Women: Between the Copenhagen Convention and Identity Discourse.* Tunis: CERP (Center for Study, Research, and Publication), 6-13 January 1988.

Proceedings of the European and Maghrebi Women's Colloquium: *European and Maghrebi Women Against Fundamentalism.* Tunis: UNFT, 1992.

Rabah, Taoufik and Salem Ben Romdhane and Abdessattar Chennoufi. Contribution to a Comparative Study of Tunisian School Children's Representation of Male and Female Role Models. Tunis: [n.p., n.d.].

Rights of Women and Young Girls in Tunisia. Tunis: CREDIF (Center for Research, Study, Documentation and Information on Women) with UNESCO, [n.d.].

Women of Tunisia: Situation and Perspectives. Tunis: CREDIF, 1994.

Women's Rights and Equality in Tunisia. Tunis: Tunisian Ministry of Women and Family Affairs, 1985.

IV. Surveys and Studies

"Divorce in the Region of Tunis: Change and Psycho-sociological Aspects. A. Hermassi, A.M. Humed, League of Women in the Legal Profession of UNFT and the El Amouri Institute, Tunis, 1983.

"Domestic Violence." UNFT, 1994.

"Illiteracy and Dropping-Out of School among Girls." UNFT, 1991.

"The Image of Women in Tunisian Society." El Amouri Institute and UNFT, Tunis, 1981.

"International Women's Day." Tunis: Syndicat de l'Enseignement Supérieur et de la Recherche Scientifique of the Union Générale des Travailleurs Tunisiens (UGTT). 5 March 1982. (Arabic text).

"The Participation of Tunisian Women in Public and Political Life." A. Dargouth-Medimegh, the League of Women in the Legal Profession of UNFT and the Centre de Prospective Sociale.

"The Role of Women and their Situation in the Family and Society." UNFT, 1994.

"Women's Participation in Municipalities." UNFT, 1989.

"Women's Work in the Region of Tunis." M.M. Chtourou, A. El Amouri, L. Taamallah, the League of Women in the Legal Profession of UNFT, and the El Amouri Institute, Tunis, 1983.

267

Women and the Law in the Near East:
Legal and Regulatory Constraints to Women's Participation in Development
(The Republic of Yemen)

PREPARED BY *ASMA YAHYA AL-BASHA*

Translated by: A. Karim Hamdy
Edited by: Laura Rice

"This publication was made possible through support provided by the Research & Development/Women in Development Office and the Yemeni Mission of the United States Agency for International Development; under Cooperative Agreement No. PDC-0100-A-00-1135-00."

A.I.D. funds provided for the activities described in this report have not been utilized for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference or training in connection with the growth or production in countries other than the United States of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States.

269

Chapter 1

Education, Training and Work: Rights and Constraints

Women are half of society, and they give birth to the other half. This maxim is true. In 1990, the number of women in the Yemen Republic reached 5,716,860 while the number of men was 5,563,610. The number of women is, then, higher than the number of men, as they represent 51.50% of the total population. It is clear also that society can only benefit from tapping this resource, more than half of society, for work and economic production.

1.1: The Effect of Education and Training on Work and on Women's Opportunities in the Economic and Political Fields,—and the Constraints

The average level of illiteracy in Yemen is 55% among men and 85% among women. In rural areas, illiteracy reaches 93-96% among women compared with 67-70% in urban areas. Illiteracy is a major constraint to women's development and to their awareness of their rights and responsibilities; it is a direct cause of legal ignorance. A special administration was set up to run programs in literacy and adult education, and a special literacy campaign was launched after a literacy law was promulgated in 1970. But this campaign did not reach the expected goal because of a lack of financial resources (*Evaluation Report*, n.d.). The government went to great lengths to include girls in the education system, as it considered education the foundation of social progress. Indeed, 1962--the year of the Revolution--is the landmark year for women's education. Before 1962, there was not one single girls' school. In the first year following the Revolution (1962-63), there were only 780 female students in the grade school system, and none in the secondary schools. In 1990-91, there were 487,835 female students in basic education, and the [male] student population was 1,426,919. In the same year, there were 19,596 female students, and 106,724 [male] students in secondary education (*Demographic Projections*, 1991). Although the proportion of females seems small compared to males (as does women's participation in the field of work), there is a positive development in comparison to the earlier situation.

In the academic year 1989-90, the total number of students at Sanaa University was 31,518, of which 21% were female. At Aden University during the same academic year, the total number of students was 4,066, of which 16% were female. At Sanaa University in 1977-78, the proportion of female students was only 7.7%, and there were no female students in the technical, professional and veterinary schools--except in the National School of Public Administration, the teacher training schools, the vocational-commercial schools, and the nursing schools. In 1988-89, for example, in vocational-commercial schools, there were 290 female students and 970 male students. In 1991-92, the proportion of females in the professional training schools country-wide was 23.4%, representing a positive change.

Women's situation was better in the southern provinces where they were allowed to enroll in industrial education: in 1990-91, they represented 13% of students in agriculture, and 7.5% of students in fisheries. Women also had access to these educational fields at both Sanaa and Aden Universities. In a relatively short period of time, the sector of education achieved a substantial degree of development, given the limited resources available to it. Education has a direct effect on the degree of economic, political, social and cultural development in society. As the number of females enrolled in general, technical, professional and higher education increases, so does the number of female graduates, employees and workers. It is also expected that the number of females enrolled in technical and professional education will increase.

In 1990-91, one out of every six teachers was female, and 8.3% of the administrative staff in education were females, while 11% of teaching faculty at Sanaa and Aden Universities were females. In reality, educational opportunities for girls are reduced because of marriage at an early age, lack of special schools for girls in rural areas and because of the use of girls in household and farm work. The burden put on them is so heavy that they find it difficult to pursue their education. Also, women entered the educational field just a short time ago, and they face constraints to their attempts to pursue that education.

Women's work was limited to agriculture. They were not granted any opportunity to participate in the economic and political fields, or in decision-making. They did not assume any parliamentary or high government office during that dark period of the country's history, i.e. before the September [1961] and the October [1963] Glorious Revolutions. An opinion survey conducted among the women's leadership in administration and politics demonstrated that women do not reach any decision-making or administrative high office until they have achieved advanced university education and have long experience at work, and have struggled bitterly to prove their existence. Only a miniscule number of women have been lucky enough to reach leadership positions without advanced qualifications, and have most likely done so after long work experience (Al-Basha, 1990).

Among the difficulties faced by women are the limited opportunities for training and continuing education at work, and the fact that men are always favored to benefit from these opportunities. This bias is not based on law but on the policies practiced in the institutions where women work. In addition, social and family concerns exacerbate this bias, for when female employees are married and have children, it is hard for them to leave their families, and women are often the ones who follow the husband's career. A tiny minority of men accept to accompany their wives, when scholarships are granted to the wives.

1.2: Women's Work, Property Ownership–Rights, Privileges and Constraints

Because women entered the workforce in large numbers in the sectors of production, industry and services, laws have been promulgated defining the rights and duties of women and men at work, without discrimination. In some cases, however, privileges are given by law to women.

Government Service Law N° 19 of 1991, in Article 12, Paragraph J stipulates: "employment in government service is based on the principle of equality of rights and opportunities for all citizens without discrimination or differentiation, and the state guarantees the implementation and enforcement of this principle." From looking at the hiring requirements [in government service], we find that being male is not one of them, and jobs are given, based on qualifications,

equally to men and women. Female employees have the same rights as granted to their male counterparts. They also have to fulfill equally all duties stipulated by law for the position they hold. This last does not distinguish between men's and women's work, as all the criteria and conditions defining hiring, advancement, promotion, are the same for both men and women. These criteria are also the same in the area of salary, according to rank and level.

In practice, this legal principle is not implemented in many cases, particularly during advancement and promotion, and when symbolic and financial rewards are given (Al-Basha, 1990b). In some government administrations, priority and privileges are always given to men, and women are always at the lowest rung of the employment ladder. In some others, administrations have acted to encourage women and promote them, as will be discussed later. But the number of women who have benefited from this encouragement is miniscule when compared to the total number of women employed in all sectors of government service. Directorships at ministries and at other public institutions are almost exclusively reserved for men. There are, however, different privileges given by this law to women: pregnant women are given a sixty day leave with full pay for delivery, with an extension of thirty days in the cases of difficulty with birth, such as a caesarian section, the birth of twins, or just as a reward for good performance at work. Work hours of pregnant women are limited to five hours per day, from month six of pregnancy until birth. After birth, they are limited to five per day, for six months. The law grants employees, men or women, a leave without pay for up to twelve months, to be determined by the administrative unit of the employee, for family reasons; there is an exception [concerning accompanying spouses] to the one year limitation in the case of long-term trainings, in which case the limit is four years. In the case of the husband's death, the widow is given a sixty day leave. The number of sanctioned leaves has been reduced by this law, as compared to the previous one, in order to eliminate time constraints which caused women not to be able to perform their duties at work. Work hours in the public, mixed and cooperative sectors are from 8 am to 2 pm for both men and women; there is no part-time work in these sectors. A number of government institutions may have a second work session from 4 pm to 6 or 7 pm.

Labor Law N° 5, promulgated in 1970 in the Northern half of the country, included provisions defining working women's rights and duties. Article 10 of this law stipulated that "men and women are equal at work and all work regulations apply equally to both sexes without discrimination for a given job." Special provisions in Articles 35 and 36 take into consideration, however, women's role within the family and thus prohibit their employment between 6 pm and 6 am, their employment in jobs dangerous to their health, and in jobs involving heavy loads. They are also given 70 day birth leave with 70% pay, and only an annual 21 day vacation--and there is a continuing demand to reform this antiquated law that dates back 20 years.

While women were granted many privileges and rights in the administrative [government] sector, they were deprived of them in the private sector. There is proposed reform to this Labor Law which would take into consideration biological and physical specificities of women and which would expand the foundation of equality between men and women, by including provisions in favor of women that were promulgated in Law N° 19 [of government service law] which has already been amended in favor of women.

Women perform unpaid work which has an effect on the economy but is not counted. According to the *Yemen Yearly Statistics Book** of 1991, which used the 1986 census in the northern provinces and the 1988 census in the southern provinces:

--68% of the people performing unpaid work are women;

--8% of women perform wage labor, 14% of self-employed individuals are women, and 3% of business owners are also women In the same report, the number of full-time housewives is 196,547 while the number of working mothers is 576,902.

---

*After the establishment of the unified state [1990], the number of Yemeni women participating in the work force increased. Statistics were published based on a combination of data from the norther and the southern provinces.

--the political, economic and social conditions in Yemen have evolved, and the participation of women in the workforce was 27.73% in 1989 as compared to a mere 4.5% in 1975, 5.6% in 1984, and 15% in 1986. Yet this participation is still insufficient in comparison to what has been achieved by men whose proportion of participation is 74%.

--the rate of women's presence is high in work sectors that do not require high educational qualifications, such as agriculture and services. For example, in agriculture 29% of the workforce is female while in commerce, restaurants and hotels their presence is limited to 4%. In construction, the rate is 1%, in extractive industries 2%, in transportation and communication 2%, in light industries 14%, in social work 9%, and in supply and logistics 13% (Nooman, 1994). Work opportunities for women are reduced because of their inability to move easily from one province to another where there may be greater need for them.

1.2.a: Access to Banking and Loans

Some women have their own bank accounts, and some women run private businesses, but their numbers are not known, however. In spite of this activity in banking and business, there is not one single woman sitting on the boards of commerical, private or public banks. The exception was in 1983 when one woman was appointed to the board of the Yemeni Bank for Reconstruction and Development, for just two years.

The law does not prevent women from getting loans nor does it restrict this right. Women have the right to get loans to establish a business or to build a home, by presenting collateral in the form of real estate property or jewelry, if they cannot provide a commercial guarantee. With regard to farm loans, there are no data about the degree of access of rural women to them in the context of agricultural projects, although the rate of their participation in this type of project reaches 39% of the total workforce in this area (Mujahid, n.d.).

1.2.b: Property Ownership--Land and Real Estate

In Yemen, women have the right, just like men, to own, buy and sell. Women have the right to own property and wealth, to have income from work or from renting out real estate or land they inherited or bought, and they have the right to deposit and earn interest from banks.

There is no stipulation in any law depriving women of these rights. The Civil Code defined the age of maturity for men and women at 15, at which time they both have the right to sign contracts and to engage in financial transactions without restriction.

In practice, the situation is different, particularly for uneducated or unemployed women who face some difficulty from their families who tend to oppose their engaging in work. Other difficulties facing them are the complicated procedures related to registration at the business office which require individuals to be aware about commercial, financial and procedural matters. There are also rigid attitudes at times in official quarters, and because women feel threatened and hesitant, in many situations they delegate responsibility to their husbands, fathers or brothers for fear of not being able to overcome these difficulties and of losing their rights.

1.2.c: Pensions and Retirement

Social Security Law grants women, working in the private sectors and with foreign companies in Yemen, retirement at age 55 after 15 years of enrollement in the system. Retirement age is set at 46 for those who have 20 years enrollment. The number of women working in all productive sectors has reached 667,702. In companies, factories and all commercial entities, the trend is to facilitate social security and life insurance through the payment of monthly premiums to insurance companies to provide for workers in case of incapacitation, old age or work injury. The number of insured women has reached 3,089.

In the administrative system of the government and in the mixed sector, the government has been taking care of workers' pensions since the 60s.

A wife has the right to get her husband's social security and retirement pension when he dies, until she remarries. But, the husband has no right to get his wife's pension and social security when she dies, except if he is incapacitated, for men are responsible for providing for their wives and for spending on them, and not the opposite.

Taking into consideration the physical build of women, their social status, and their combined responsibilities in the household as mother and wife, women were given the right to retire after 25 years service, while the social security system requires men to work 30 years before retiring. Women are granted the right to retire at age 46, after completing 20 years service, or at age 55 after completing 10 years service [and enrollment].

1.2.d: Extra-legal Social Constraints and Challenges

1. Commuting to work:

Safe transportation means represent a major factor in facilitating women's commuting to their jobs in both government and the private sector, given that most Yemeni women use the *hijab* [veil] and respect customs and traditions which do not allow them to use public transportation freely.

All government and private institutions have special large buses for employee transportation [between home and work] for a prepaid fee. Women may change jobs if a safe means of transportation is not available; they always look for a way to avoid the dangers of the street and the opposition of their families to their going out and using commercial transportation.

In 1993, government employees--men and women--were given the opportunity to purchase their own cars for a fraction of their real cost. The transportation problem remained for women employees who did not purchase cars; they ended up paying from their own salaries for gasoline, maintenance and bus-drivers' wages, in order to insure safe transportation. There is really no security problem, rather there is a need to satisfy the wishes of their families. The

problem, however, is not as great as imagined by some, for Yemeni women are allowed to buy and drive cars, and this helps to solve transportation difficulties.

2. Travel:

One of the constraints facing women, be they houswives, workers or government employees, is the opposition of their male relatives (father, husband, brother) to their travel and their moving to jobs in areas far from their family homes, or outside the country, with the objection that they would be without the protection of a male guardian, and with the fear that their living far from home would be too hard on them. There is no law preventing women from traveling, but customs are stronger than legislation. These customs represent constraints preventing women from obtaining and education both inside and outside the country. In some cases, official authorities require women to get consent from the head of the family or the husband before traveling. They sometimes require that male guardians travel with the women, particularly in the case of uneducated women or women who are not well-known. Work opportunities for women are reduced, then, because of their inability to move from one province to another.

3. The *Hijab* [Veil].

The *hijab* (or *sharshaf*) is not imposed by government decree; it is imposed by customs and traditions and is not considered a constraint to obtaining jobs. It is not much different from the *niqab*, and some educated women have gotten rid of both types of veil and replaced them with a simpler version that covers only the head but leaves the face and hands uncovered.

4. *Qat* [a leaf chewed widely in Yemen]

There may be meetings or social events outside official work hours, and it is possible for women to participate in them, except if there is a *jalsat qat* [a qat chewing session] in which case women are prevented by custom and tradition from participating. Thus *qat* chewing is considered a constraint preventing women from participating in work related sessions. Women do protest this social practice strongly, and at times officially complain to superiors about it. In those cases, it all depends on that superior's attitude about whether or not work should be conducted during *qat* sessions.

5. Harassment at Work.

There are no studies or research about ill-treatment of women at work, and because Yemen society is conservative, women are always careful to avoid getting into difficulties. They avoid many questionable situations and avoid making mistakes for fear of having legal problems. The view of women, on the part of a minority of men, is still negative. In rare cases, women are ill-treated by superiors or colleagues at work. Cases like these are usually solved amicably without the need for investigation or court proceedings and decisions. If the degree of ill-treatment reaches the point of touching a woman's dignity, such as insults or rumors or blatant bias leading to a woman losing her rights or not being able to perform her job, investigative procedures are followed according to the law of government service, and are applied to both men and women without discrimination.

1.3: Constraints Preventing Women from Engaging in Certain Types of Work--Societal Attitudes and Challenges

Although more women participate in the workforce thanks to the educational revolution, there are still certain rigid attitudes about women's issues and about their participation in work. People who have these attitudes consider that women's work is hurtful to the family and to children. They prefer that women's education be limited so they can lead them and make them submit to their will, in short make them prone to domination. In a survey of opinions held by youth about women's education, a large proportion of respondents believed that the appropriate fields of work for women are the fielf of teaching in the education system (29%), next comes the field of medicine and nursing (21%), then social work (8%), and last, only 3% support women's involvement in the field of defense. And those last are, in reality, the ones who support women's wortk in general (also 3%).

Some men and women still consider that a number of professions are appropriate only for men, to the exclusion of women, with the excuse that they are not appropriate for women for psychological and bodily reasons; these jobs include being an attorney or a judge, or working in the armed forces or with the police and security forces. In the northern provinces, women

could not practice as judges or attorneys, unlike the southern provinces where they were allowed to. After the establishment of Unity on 22 May 1991, women were allowed to practice these professions anywhere in the country.

Statistics, numbers and data show women's participation in this area as follows:

--the Judiciary. The number of women in the judiciary reached 35, compared with 224 men in positions such as judge, assistant judge etc. The proportion of women in this field is 14% of the total, and the number of women employed in the administrative section of the judiciary is 23.

--Attorneys. According to a document issued by the Attorneys' Association, there are 40 women attorneys in Yemen, 4 in the north and 36 in the south. This number is small when we take into consideration the total number of women graduates in law and *Sharia.*

--Public Prosecutor's Office and Investigations. There are 708 employees in the Public Prosecutor's Office and in its investigative branch, of which 44 are women, i.e. 6%.

--Police and Public Security. The number of women working in this sector is as follows:

(i) Only 1 woman at the rank of colonel, and 1 woman with the rank of major.

(ii) 16 women at the rank of captain, 26 with the rank of first lieutenant, and 45 women with the rank of second lieutenant.

In 1989-90, the total number of students in the Law and *Sharia* faculty was 7,569 at Sanaa University and 449 at Aden University. The number of women students was 180 in that year, (i.e. 3.6% of the total number) while it was not more than 22 female students and 29 male students in 1977-78.

Chapter Two

Laws Regulating Marriage Contracts, Divorce, and Inheritance and Social Constraints

Given that the family is the basic constitutive unit of society, and that any disturbance affecting this unit leads to disintegration of society, Islam focused on this matter, emphasizing the importance of family ties, closeness and kinship within the family from early on, i.e. from the period of engagement. Indeed, the Holy *Hadith* [Mohammed's sayings] states "Keep her in your regard that there may be lasting love between you." And the *Holy Qur'an* states, "Among God's wonders, He made for you pairs from among yourselves [that you might sustain one another]" [S.XLII.11.]* Based on this religious philosophy, the Law of Personal Status, N° 20, was promulgated in 1992 after the establishment of Unity. This Law addressed a number of issues, such as:

2.1: Marriage:

The Law defined marriage as a tie between two spouses through a legal/religious contract, by which it is made *hallal* [sanctioned by religion] for a man and woman to live together as husband and wife, with the goal of building a family based mutual affection and deep regard. Considering that this law is inspired from the *Sharia*, a man is allowed to marry four women on the condition that he be just and fair with them and be financially able to support them, and also on the condition of "legitimate interest." It is also required, in such cases, that the husband inform both the first wife and the other(s) of his intent to remarry. The question remains about how one would know if these conditions were fulfilled, and in the case that they were not, what punishment would be meted out to those who remarried without fulfilling them. Some field studies show that the rate of polygamy in the Sanaa province is about 4% of the married population and about the same in Ta'iz, while it is 4.2% in Dhamar, and 3% in the province of Ibb. This rate goes up in some regions reaching 28%, but it is very low in the southern

---

*Translator's note: All *Qur'an* verses in English are taken from *The Holy Qur'an,* translation and commentary by A.Yusuf Ali (Qatar: Qatar National Press, [rpt. n.d.], 1934).

provinces (Nooman and Haribi, 1994), due to the promulgation of Family Law N° 1 of 1974, before unification--although there was secret marriage in defiance of this Law. Although the Law [of Personal Status] limits the minimum age of marriage to 15 years, some studies show that in a sample of 161 women, 84 of them were married under age, i.e. a proportion higher than 50%. Statistics show that for every 100,000 births, there are 1,000 deaths yearly due to premature births or complications. The rate of infant death reaches 140 per 1,000 because of lack of adequate medical care.

Marriage is contracted by a *Sharia* contract not a civil one. It is contracted by consent, in the presence of witnesses and the guardian. The law also stipulates that the contract should be registered in a special file signed on by the closest of relatives [of the bride]. In the absence of relatives, the judge fulfills that role. Marriage is agreed to by the silent consent of a virgin or in the case of a non-virgin by her stating consent. And in order to insure the best interest of the family, there is a requirement that the wife obey the husband and move with him wherever he goes, if she has not set a condition in the contract about her staying in her home. She has the right to leave her home by consent to work under morally safe conditions or to take care of her business matters. And, in general, family law does not set any condition or restraint that would prevent women from working, and it is not the husband's right any longer to impose on his wife a constraint forbidding work, which is a change in the favor of women. In many cases, however, women are enslaved by backward customs and traditions which may be enforced by the husband or the family. Either can prevent women from working, at will. It all depends on an individual woman's personality and her ability to stand up to this oppression.

The husband doesn't have the right to control his wife's income, although there are many cases in which the husband does so at will, usually because the wife is not aware enough of her rights and duties, and because of the biased attitude of society toward her, which puts her in a weak position. The husband does not have the right to have a second wife living under the same roof, unless the first one consented to that, and she has the option of changing her mind at any time. And in that case the husband has no right to oppose it, although the law is not always

efficiently implemented. This law, decreed by the government, includes paragraphs which are in favor of the family and of women, but it needs to be officially clarified to define the procedures for implementing its provisions. The issue of the mother's [rights, in the case of dispute] and of providing her with housing remains very important, given that she is the custodian of the children, and in that capacity is in permanant need of housing. The law does not address this question, in spite of its importance. Marriage at an early age is a constraint to a woman's continuing her education and entering the workforce, and it allows the husband to control her (Al-Basha, 1994).

2.2: Divorce

The husband may divorce his wife by stating his intent thrice, after which time he cannot remarry her until she has been married to, and then divorced from, someone else. The woman's remarriage and divorce may be arranged with a designated man. The judge may allow the guardian of a mentally incompetent spouse to be the representative in a divorce procedure. Marriage may also be terminated by annulment through the courts, and both men and women have the right to request annulment, in cases of non-fruitful consumation.

Marriage can be terminated by separation between the spouses in which case compensation is paid by the wife in cash or kind or by other arrangement as agreed upon by both parties. Divorce does not affect women's work or their dignity, although it is considered *hallal* [authorized by religion] as a last resort. Extended Yemeni families lend support to their members, and tend to reduce the occurance of divorce. There are also some families that reject divorce, and look upon women who insist upon it as betraying important customs and traditions. Families try to reconcile the spouses by all means. Divorce is not regarded as a cause for social stigma, as is the case in some other parts of the Middle East (Mabna, 1983). Divorced women can remarry without difficulty, and divorce is more frequent in the first few years of marriage, particularly if children have not been born, in which case blame is always put on women for not giving birth, but the husbands are required to support their divorced wives for three months to make sure that they aren't pregnant.

2.3: Inheritance

The *Holy Qur'an* states in *Surat Al-Nissaa* ["Women"]: "God (thus) directs you as regards your childrens' (inheritance): To the male, a portion equal to that of two females : if only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half" [S.IV.11.]*

Article 307 of Family Law divides those who have the right to inheritance into six principal categories, but we will limit our discussion to what concerns women:

--Category A: Those with rightful entitlements [dictated by *Sharia*]: the daughter, the son's daughter, the full sister, the paternal half-sister, the maternal half-sister, the mother, the wife, the grandmother.

--Category B: Other Relations, paternal side (agnation): daughters, daughters of the son, full sisters, paternal half-sisters.

Inheritance shares are estimated as follows:

--One half share goes to an only daughter, or to an only daughter of a son (if she has no agnate and she hasn't been excluded from the inheritance), and only full sister if she has no agnate, and paternal sister with no agnate (Article 309, Paragraphs 3, 4 and 5).

--One quarter share goes to the widow or widows if the deceased husband has no children. One quarter share goes to the mother of a deceased son who left a wife and parents (Article 310, Paragraph 322).

--One eighth share goes to the wife or wives in the case the deceased husband has children (Article 311).

--And two-thirds go to four categories of female heirs: two or more daughters, two or more full sisters, two or more son's daughters, two or more paternal sisters, provided that they have no agnate and haven't been excluded from the inheritance (Article 312, Paragraphs 1, 2, 3 and 4). Article 313 states that one-third of a share goes to two categories of heirs: the mother if the deceased has no children, and to two or more brothers and sisters.

284

--And one-sixth share goes to the following heirs: the mother, if the deceased has children; two or more brothers or sisters; one or more daughters of the son; one or more paternal sisters; and an only maternal sister, if the deceased has no children; the grandmothers, if they are not remarried (Article 314, Paragraphs 3, 5 and 7).

In reality, although *Shariaa* recognizes a woman's right to inheritance, as explained above, there are cases where she is deprived of that right because of a brother or an uncle claiming to take care of her wealth for her.

2.4: Gender-Based Social Constraints with Regard to Testimony and Access to Courts

There is no legal constraint against women using the court system to bring a case before the court and defend their rights, be they related to inheritance, divorce or to any other matter. They have the right to bring suit and to designate an attorney or other representative; in addition, women themselves can serve as legal representatives of someone else, male or female. This is true in the legal and procedural sense, but reality is different, for in many cases, women do not dare bring law suits by themselves. They usually need the approval of husbands or fathers or brothers before they take action, and they might designate one of these male relatives as their legal representative from the beginning. With regard to evidence, including testimony, the court requires the testimony of four males to prove adultery and similar crimes; and for other crimes, one man and two women, or two men. But the law concerning testimony is in the process of being amended, and will likely be reformed in favor of women.

Concerning claims about incidents that take place in spaces reserved for women, women's testimony is accepted.

2.5: The Demographic Question: Family Planning and Related Constraints

There is no law touching on issues of family planning, but the area of population, development and family planning is considered important by Yemen because of its effects on society. The Yemeni Association for the Family was founded in 1976 and became active, opening chapters in several regions of the country. The National Population Council was founded by

presidential decree in 1992; the by-laws defining the organization of this Council were ratified by the government in 1993. A national population strategy became a pressing national necessity dictated by the demographic conditions of the country as shown by the numerous indicators of the demographic and population characteristics of our society. Yemen is in a transitional stage with regard to demography, characterized by high and stable levels of fertility, a gradual decrease in the death rate, the reversal of the Yemeni diaspora, and an influx of immigrants. These factors have led to a high natural growth rate of the population, estimated at 3.1%. Because of high fertility and frequent births which affect mothers' and childrens' health, this Council and its various chapters have been providing services to families in raising awareness about health in the context of family planning and care for mothers and children. The Council has been insisting in its awareness campaigns that family planning does not contradict Islam, arguing that Islamic teachings call for increasing the number and well-being of believers, not increasing the number of the weak and hungry (Khalifi, n.d.). The goal of family planning is to improve discipline and health-monitoring of mothers and children. There is no article in the Law of Social Status banning family planning. The economic difficulties of Yemen, including high inflation, high numbers of welfare dependents especially among women, children and the old, the high level of unemployment and poverty, as well as the limitations in the field of health and social welfare and in the degree of women's participation in the economic field--all these factors have led to great difficulty for women in terms of their access to scarce resources and services that are insufficient in the first place.

There are constraints preventing women from having access to family planning clinics and services. The means of family planning in Yemen have not reached a level where they are disseminated adequately. Studies show a relative increase in availability in the last decade, varying from 1% to 3% annually, with family planning reaching up to 10% in urban areas, while it is limited to 2.5% in rural ones. Available statistics show that the rate of women using family planning services in 1991 was as follows: 32% in Aden, 20% in Hadramout, 13% in Abyan, 7% in Ta'iz, 6% in Sanaa (Mohammed, n.d.). A demographic study in 1991 about the level of care for women and children shows that the rate of use of family planning means was

7% in the country. The main difficulties and constraints facing women in the matter of having access and getting these means of family planning are the following:

1) transportation problems, difficult roads and the dispersion of population in remote areas which do not have adequate services;

2) social constraints imposed by the family and by society, and at times rejection of family planning on the part of women themselves who prefer to bear more children so that their husbands become busy enough with the children that they do not remarry. These women consider frequent births a tie binding their husbands, a guarantee for the continuity of marital life, and a social guarantee for old age;

3) religious and traditional belief factors; many still consider family planning to be contrary to Islamic teaching;

4) a large number of children is considered to be a helping factor in terms of economic and household work;

5) the failure of the media with regard to the promotion of family planning;

6) complicated procedures within the institutions providing the services, such as the requirement to show the husband's consent for using family planning means, and the lack of follow-up and consultation provided families who use them;

7) a limited level of health awareness on the part of service providers;

8) the widespread and high level of illiteracy and of women's lack of awareness about the importance of family planning with regard to health and standard of living;

9) the limited use of health services, including those of family planning, by citizens who in general do not consider them as a priority;

10) due to the high death rate among children, women tend to give birth frequently to increase the chances that some of them will survive;

11) according to a study about the death of mothers in Yemen, the means of family planning may cause negative health effects, such as hemorrhage, nervous stress and gaining weight, so some women refrain from using them to preserve their health [reference not available].

Chapter Three

Women's Political Rights: Legislation and Challenges

Although Yemeni women participate widely in all areas of work--economic, social and legal--their participation in government and the political field and in decision-making is more limited. This lack of representation is more pronounced in less developed countries, but is true world-wide. In the case of our country, the reason for it is the relatively recent inclusion of women in education and work in the 1960s in the northern provinces, after the 26 September 1962 Revolution, and in the 1950s in Aden. In addition, society's view of women and its conservatism put women always at the lowest rungs of employment. A purely traditional image of women is emphasized, focussing on their roles as mothers and housewives only. In spite of the fact that women have joined the work force, there are still attempts on the part of families to restrict the types of work they can engage in, regardless of women's preferences, such as teaching and medical professions which seem to be the most acceptable activities in the eyes of fathers and mothers (Al-Sousowa, 1994).

After the unification of the country on 22 May 1990, political parties and organizations, labor unions, and professional associations expressed more support for women in their plans. The country's Unity Constitution of 22 May 1991 was just toward women and did not discriminate between them and men. Article 27 stipulates that all citizens are equal in the eyes of the law, that they have the same rights and responsibilities, and that law does not discriminate between them on the basis of gender. According to this text, women have the right to hold any political position, job or function as long as it doesn't disturb public order or public feeling. Article 19 guarantees equal opportunities to all citizens in politics, economics, social interactions and labor union activities, and regulations regarding these matters are issued accordingly. Women have the right to participate in politics and in decision-making. They also have the right to hold any government or parliamentary position, and to participate in parties and in elections.

3.1: Participation in Parliament and in General Councils

Following this legal development, Yemeni women participated, for the first time, as candidates in the parliamentary elections of 27 April 1993 in the northern provinces. In the case of the southern provinces women gained that right in 1978 when they participated in the elections for the People's High Council and local councils (Wadi'i, n.d.). This disjunction is due to the educational revolution which started in the 1950s [in the south], while it didn't start in the north until the 1960s, because the Imami regime and civil war played an important role in hampering political and democratic progress in our country.

In 1983 in the northern half of the country, women exercized their rights to be candidates for local councilsand to vote, but they failed to win any seats. The political leadership decided then to appoint two women to these councils, one in Ta'iz and one in Sanaa. On the other hand, with the National Pact which gave women the right to run for office and to vote, Yemeni women in the northern provinces participated for the first time and ran for seats on the Permanent Committee of the General People's Congress in August 1982 and won six seats, while there were only two women on the Central Committee of the Socialist Party, a party which stressed women's issues in its political discourse. Women are also present in the other Yemeni political parties, but none is in a high decision-making post.

Women could not run for positions within the Shura [Consultative] Council in the northern provinces, unlike in the southern ones. This was due to the conservative attitude of men and to their opposition to the entry of women into this Council which is a representative body. The situation changed after unification, and women appeared in high leadership positions in the administration and in politics. They proved to be a strong interest group in Yemeni society, and parties competed to include them within their ranks. Yemeni women came out across the Republic to participate in political and elective work and to vote. The number of voters reached a total of 6,671,185--of which 16% were women and 71% were men. Women ran for positions in the Parliament on 27 April 1993, an election in which the total number of women candidates was 50, of whom 2 (members of the Socialist Party) were elected.

Many political parties competed to attract women to their ranks for the obvious reason of obtaining women's votes and exploiting them in order to insure success for their candidates, rather than to help women candidates succeed. Thus we find that men's view of women remains conservative; they want to exploit women, but they do not want to encourage them to become candidates themselves. Worse yet, there are family pressures on women in their choice of which candidates to vote for, pushing them to vote in accordance with the family's political leanings. In spite of the minimal presence of women at the level of Parliament, and leadership and administrative decision-making positions, we consider Yemeni women's entry to Parliament a giant step toward progress, appreciated by the international community. We, as women, look at it as a new direction, reinforcing the principle of non-discrimination between men and women in all rights. In addition, women participated in the preparation, organization and supervision of elections, and one woman was appointed to the High Commission of the General Parliamentary Elections in 1993, alongside seventeen male members.

3.2: Women's Participation in Government Institutions and in Independent Unions

Since the establishment of the Unity government, 79 women have been appointed to the position of Director General, 15 women have become Advisors to Ministers, 1 has become an Advisor to the President of the Presidential Council, and another to the President of the Government Council. One woman held the position of Deputy Assistant Minister of Information, and there are a large number of women who have reached the seniority level of Minister, of Vice President of the Cabinet, and of Assistant Minister, who get paid at that scale. In the Ministry of Foreign Affairs, there are 26 women diplomats, of whom only 2 hold the position of Plenipotentiary Minister. Women have the right to form associations and unions. There are many women's associations dealing with issues of the family, childhood, motherhood and working on raising the awareness of women. These are NGOs spread across many provinces. Women also participate in several labor unions, such as the Workers' Union, the Cooperative Farmers' Union, the Writers' Union, the Legal Professions Union, the Educational Professions Union, the Journalists' Union, the Engineers' Union and so on.

Women's presence in these unions is beneficial in terms of votes and for their active role in volunteer work.

Chapter Four

Efforts to Overcome Constraints and Challenges Facing Women: Developing Legal Awareness and Expanding Rights

This research has shown that the constraints preventing women from participating in and contributing to the activities of development are not mainly due to the law itself. For, legislation, laws and the various official regulations are based on justice and equality for individuals, men and women. There are even certain privileges granted women in consideration of their specific conditions. Discrimination in practice and bias against women in education, work and politics are the principle problems causing the lack of adequate participation of women in the development effort. Social practices related to customs and traditions as well as the behavior of individuals in charge of implementing laws and regulations are the two main constraints which cause the gap between theory and practice.

The major constraints and challenges are as follows (Al-Basha, 1994):

1) The high level of illiteracy in the population, and particularly among women, as it reaches in some provinces up to 93%, and thus there is a lack of awareness of rights and responsibilities.

2) The dominance of some negative and backward customs and traditions, causing women not to exercize certain rights, such as those related to running for office and voting; worse yet, women have reacted negatively to women candidates and have considered running for office to be a male domain. In other instances, women competed with women in the same district, instead of coordinating and agreeing on a common strategy to insure success for women candidates.

3) Marriage at an early age and the lack of the existence of schools dedicated to girls in the countryside have caused a high drop-out rate which in turn has resulted in women's position at the lower rungs in employment and education and to their lack of exercizing their human rights.

4) The non-implementation of legally stipulated fines and sentences in cases where laws have been violated; for example, many studies have shown that marriage at an early age

still happens in spite of the explicit provision in family law that the minimum age of marriage be 15 years. It is to be noted that that age itself is low for women. In addition, in terms of fairness in the case of more than one wife, the stated legal provisions are not respected.

5) The absence of a clear and well-grounded philosophy with regard to society, respecting its customs and traditions. Solving problems ought to start at the level of social, educational and cultural institutions, and then reach legal structures.

6) The failure of educational choices and methodologies which do not include women's legal and development issues, and thus marginalize their roles, with the exception of religious programs which have given women their rights.

7) The lack of the material means to disseminate information, decisions, and publications concerning women's rights.

8) The failure of the media, written and broadcast, to disseminate legal awareness of women's rights and responsibilities, and their insistance on showing the traditional image of women.

Chapter Five

Institutions and Organizations dealing with Legal and Development Issues Concerning Women

In the last decade, many associations and organizations, both governmental and non-governmental, have been created to deal with women's issues with regard to the law and development. There are also international organizations and agencies, and organizations from other countries which support and assist the local groups in their legal and development work. They are as follows:

5.1: Local Institutions and Organizations Supporting Women in the Field of Law:

5.1.1 The General Administration for Women's and Children's Affairs:

This Administration is part of the Social Development Department at the Ministry of Social Security and Welfare. It has had its own budget since the implementation of the project "Women and Development" in mid-1989. In addition, the United Nations Population Program supports the projects of this administration.

Principle fields of Activity:

1) Proposing strategies and policies concerning women, the family and children;
2) Supporting the services of social development centers provided to women and families;
3) Coordinating with the Yemeni Women's Union to support this union's training activities in its offices in the provinces and in coordination also with concerned international organizations;
4) Conducting research and studies and organizing legal, political and social conferences dealing with women, to raise their awareness about their rights and responsibilities;
5) Providing legal advice to needy families;

Achievements:

1) Training of a number of women leaders in the field of administration and law;
2) Publishing booklets about the various studies and research reports dealing with women;
3) Providing legal advice and consultation to women who need them;
4) Assisting the Women's Union and coordinating with it and with affiliated associations, with regard to various women's issues;
5) Participating in numerous conferences and conventions in Yemen and abroad.

Constraints and Difficulties:

1) This administration did not gain decision making capacities until it was transformed into a general administration, although these new prerogatives still remain limited.
2) There is not enough financial support for this administration to implement its projects.
3) Lack of competent staff required to expand the actions of this administration across the country.

Address: P.O. Box 676
Al-Safia Avenue
Sanaa, Republic of Yemen

Tel: 277-171

Fax: 209-509

5.1.2 Women's Associations and the Yemeni Women's Union:

These associations have administrative and financial autonomy, and the government reserves a annual budget for them, estimated at 180,000 riyals per group, regardless of the level of activity or its effectiveness. Some of these associations receive assistance from the Dutch and the Americans, and from some charitable organizations. These associations have become

chapters of the Yemeni Women's Union after the merger of the northern and the southern unions into one union, having an executive board made up of 11 members and a central council made up of 80 members. This Council works on designing policies and programs related to the Union's activities, and reaching out to a large number of women through its 11 chapters.

Principle Fields of Activity and Achievements:

1) Raising the awareness of Yemeni women socially, culturally and in terms of health concerns;
2) Raising women's awareness in terms of their rights and responsibilities;
3) Training women and improving their skills in fields of productive work;
4) Coordinating with agencies, institutions and organizations to provide financial and technical support with the goal of developing and improving programs and activities benefiting women who use the services of these groups.

Constraints and Difficulties:

These groups, under the umbrella of the union, suffer from lack of appropriate programming targetting women due to the following:

1) Inadequate means for training and building competencies among the leadership of administrative committees of these groups.
2) Lack of clear and coherent strategies for administrative actions and mechanisms to implement programs.
3) Lack of clear objectives and future goals.
4) Limited and insufficient financial resources. For example, the budget allocated by the government remained the same despite the expansion of the union's activities and the opening of several new chapters.

Address: Street 60, next to the Crusher
Sanaa, Republic of Yemen

Tel: 276-505

5.1.3 Office of Women's Extension at the Awuqaf Ministry [Religious Affairs]: This office is within the General Religious Extension Administration. It has a number of decision-making and coordination prerogatives.

Principal Fields of Activity and Achievements:

1) Raising women's awareness of their family, religious, and social rights and responsibilities;
2) Organizing forums and conducting research and studies concerning women's rights and responsibilities, and acting to disseminate them;
3) Raising women's awareness about the importance of their participation in the various social, cultural and political activities, and in all fields of life;
4) Providing legal and religious advice.

Difficulties and Constraints:

1) Lack of means necessary to conduct work, such as independent budget to run extension programs and activities.
2) Lack of library materials and equipment, such as books and audio equipment required to improve the efficiency and to implement cultural policies and programs.

Address: 4, Street 18 off Zubiri Avenue
Sanaa, Republic of Yemen

Tel: 201-313 or 201-314

Fax: 204-660 or 206-669

5.1.4 National Population Council:

Established by Presidential Decision N°113 of 1993, this Council is affiliated with the Ministers' Cabinet. The Executive Board of this Council is organized according to By-Laws

defined by Decision N° 3 issued in 1993 by the President of the Ministers' Cabinet. The Executive Board is headed by the Minister of Planning and Development.

Sources of Funding:

-the Government

-United Nations (UNFPA)

-United States Agency for International Development

-Negotiations are on-going to secure funding for some projects from other sources such as the Netherlands, the European Union, South Korea.

Prerogatives and Fields of Activity with Regard to Women:

-Assistance to executive structures and to educational and research institutions in conducting studies regarding social, economic, cultural, health and legal conditions of women with the objective of eliminating negative aspects of those conditions;

-Analysis of demographic legislation regarding women, families, motherhood and childhood as it relates to general population issues, in order to remedy its negative aspects and to establish a commission responsible for controlling population laws and regulations, in which women are represented at the highest level;

-Follow-up on the implementation of laws designed to provide adequate guarantees for women's participation in economic and social development, and coordination with appropriate institutions concerned with the field of work in order to improve labor laws and guarantee equal pay and social security;

-Encouragement of family planning programs and participation in extension to show their importance and the role of the family in them.

In addition, a new office for women's development was established by the executive board of the National Population Council whose special missions are the following:

-Gathering of data and statistics about women in order to provide information and conduct studies and research and for other development purposes;

-Conduct of studies, research and surveys on economic, social and legal matters regarding women;

-Coordination between the various administrations concerned with the development of women in the various local institutions;

-Coordination and communication with international and local organizations and with donor countries in order to secure funding for development projects targeting women in various sectors;

-Participation in designing policies and programs about women's issues;

-Support of specific programs and training of women in order to increase their participation in social and economic development.

Achievements:

1) Preparation for and organization of the first national population congress (as well as the second congress);
2) Holding of numerous conferences about demographic legislation, such as "Islam and Demography: Population Laws and their Effects on Women"; as well as studies and research efforts on motherhood, childhood, the family and so on;
3) Adoption of a strategic family planning program designed to reach out to people in rural areas;
4) Extension to raise women's awareness of their rights and responsibilities and about the importance of family planning.

Difficulties and Constraints:

1) Some of the units affiliated to the Council have not been established yet, and their missions not defined.
2) Some of the positions defined in the organization of this council have not been filled.

3) There is a need for greater moral and financial support.

Address: P.O. Box 12551
Horria Avenue
Sanaa, Republic of Yemen

Tel: 250-230

Fax: 256-06 [?]

5.1.5 Social Research and Women's Studies Unit (SRWSU):

Definition:

This Unit is an academic entity for advanced studies (diploma and Masters in Social Studies). It is affiliated with the Sociology Department in the Faculty of Letters and is administratively under the College of Letters and the College of Advanced Studies. This unit was prepared originally by the Faculty of Letters and was officially established on 18 December 1993, after being approved by the University Council. The Dutch funding commitment for this unit is for two years, after which time Sanaa University will continue its funding.

Administrative and Scientific Structure:

This unit (SRWSU) is headed by a woman director, and the administrative operations are supervised by a coordination committee made up of the Dean of Letters, the Dean of Advanced Studies, one representative of the funding institution, and the President of the Academic Committee. The scientific program of this unit is set by the sociology department through an academic committee made up of three members and a number of selected faculty from the department. This committee submits its work to the department council, and it has the right to seek assistance from other professors and experts, at its discretion.

300

APPENDIX B

Research Report by Dr. Amal Kawar

RESEARCH REPORT
Amal Kawar
December 30, 1994

1. Executive Summary.

CID\WID conducted a four day regional conference on women, law, and development in the Near East. The conference was a first of its kind in addressing law as it affects women in development, and it was successful in promoting the sharing of ideas and networking among the women participants, who came from eight Arab countries.

The first day of the conference began with an opening breakfast session followed by site visits and a dinner banquet, hosted by the Federation of Tunisian Women (UNFT). The second day consisted of presentations of previously prepared country reports from four Arab countries. These were organized as roundtables with each presenting country teaming up with one of the other four not presenting papers. The purpose of the teams was to provide an avenue of participation by women from the countries with no reports. After each report summary given by the author, the second member of the team gave a critique and comment and then the floor was opened for discussion. The third day consisted of workshops organized around the main topics of the country reports: women in education, employment, personal status law, and political participation as these related to development. The fourth day consisted of preparation, revisions and amendments, of the recommendations for action reached by the workshops. The final set of recommendations, which was agreed upon by a steering committee represented the different countries was presented as the "Tunis Declaration." The text of the draft declaration was distributed to the participants.

The basic findings of the conference were that the relationship of law regarding women in development spans a wide array of social, economic, and political dimensions that go beyond

constitutional and legislative change. Specifically, the gap is wide between theory and practice and legislation and implementation. Clearly, there is a general absence of social and political will, though commitment to improve the situation of women varies in the different countries.

The key implication for policy is that work needs to be done both on the governmental and non governmental levels to make basic structural changes in education, employment, and health of women and children. Policy thrust should be toward engaging and empowering individuals concerned with women's participation in development. Also, organizations concerned with women in development should be supported through more research, more resources, and the building of networks of study, training, and action.

2. Report.

A. Introduction.

This is a brief report on the conference Women and Law in the Near East: the Effect of Legislation on the Participation of Women in Development, held in Tunis, December 14-17 at El-Mechtel Hotel and sponsored by CID\WID. Thirty-five participants from eight countries, Egypt, Jordan, Lebanon, Morocco, Oman, Palestine, Tunisia, and Yemen participated (see Conference Participants). The report will summarize the proceedings and provide analysis and recommendations.

B. Summary of conference roundtables, workshops, the "Tunis Declaration, and analysis.

The conference was structured around four country reports prepared earlier by authors from four countries: Egypt, Morocco, Tunis, and Yemen (see Summary Report). Discussion centered on four topics prepared by the conference organizers and also constituting the main thrust of the four country reports. These topics were: educational policy, employment, personal status law, and political participation.

The program for the four days of the conference consisted of a breakfast meeting and site visits arranged by UNFT on the first day, an opening session (attended by over 115 persons) followed by presentations of country reports, a day of workshops organized by topics, and a day of discussions and deliberations and final recommendations issued as the "Tunis Declaration (see Conference program). The conference area also contained a book exhibit.

On December 14 the conferees visited the following sites: CREDIF (Centre de Recherches d'Etudes de Documentation et d'Information sur la femme), Centre Arabe de la Femme, Centre de Formation Agricole Modern des Jeunes Filles de la Moh'mdia (suburbs of

Tunis), and Centre de Formation de la Jeune Fille de Hammam-Lif. At each of the sites, the hosts gave a brief presentation about the goals and activities of the operation. In the evening, UNFT held a banquet at Carthage in honor of the conference participants.

On December 15 the first session of the conference began with a speech by Dr. Naziha Mazhud, the Tunisian Minister of Women and Family Affairs who discussed discrimination against women, advances in legislation, the gap between legislation and practice, the need for a unified Arab view on women and development, Tunis's commitment to engaging women in development, and the many efforts that Tunis carried out to gain equality and provision of legislative and programmatic opportunities for women in agriculture, industry, and services, while at the same time being aware of women's special situation in the society (see text-Arabic). The minister's speech was followed by the main business of the conference which for the first day consisted of roundtables in which each of the four country reports were summarized and discussed.

The country reports' session consisted of presentations by the authors of each of the four country reports, Sawsan El-Messiri, Ferida Bennani, Khedija El-Madani, and Asma Al-Basha. These were followed by critiques from participants from the other members of the team, consisting of one of the other four countries that did not have a country report. The teams were Morocco-Lebanon, Tunis-Palestine, Yemen-Jordan. Egypt did not team up with Oman since the sole Omani participant saw herself as an observer only, and so the discussion of the Egyptian report was shared by all participants. Agreement on the teams was decided upon in the previous day by the conference participants' steering committee, and it was agreed that the discussions focus on problems, theory versus practice, and implementation issues. Each of the speakers

summarized her report, followed by comment by the sister team and then discussion was open to the floor. (for full texts see the individual papers and Summary Report).

(i) Roundtables.

In the first roundtable, the Egyptian report was presented by its author and it focused on the gap between constitutional equality and legislative inequality in employment, travel, and other areas. It also noted the gap between legislative equality and practice based in social and religious traditions, such as not appointing women to judicial posts although no constitutional or legislative ban exists. Especially, it was evident that there are contradictions between personal status law, which is based in Islamic jurisprudence, and secular national legislation proclaiming equality. The discussion that followed seem to focus mainly on the tensions between religious law and secular law. Some participants said that personal status law is solidly based in the text of the Sharia while others argued that it is often based on interpretations and schools of jurisprudence.

The second roundtable addressed the Moroccan report. The author noted the general ambiguity of Moroccan law regarding gender equality. She said that the greatest obstacles are personal status law and the backward social situation of women, both favoring the husband in the family. These obstacles reduce women's ability to engagement fully in education and economic life, even though educational and employment legislation generally grants equality between women and men. Similarly, political equality is hindered by social traditions that show no confidence in women's ability to carry out the burdens of public life. These issues are particularly felt among the rural population, were illiteracy is very high.

The author also noted that education is the biggest weapon for development and family planning. The author concluded by saying there is some neglect on the part of women's organizations in reaching illiterate women. She noted that there was a major effort in 1992 to turn public attention to reforming personal status law, called "the million signatures campaign." It received a great deal of support and the king said that women have the right to make demands regarding personal status law. Opposition from some of the religious scholars, however, put a halt to it. Some changes in the law did result in the following year which responded to some of the women's demands.

The Lebanese commentator noted that in Islam there are avenues that permit change in personal status law and that there is indeed a need to reform economic legislation so both of the marriage partners have control over finances and property, but that legislation should take into consideration parameters of existing social traditions. She also said that part of the problem of women's lack of participation in political life is the woman herself who hesitates to do so.

The floor discussion addressed issues in personal status law, mainly inequality in rights and obligations of marriage, and it revealed disagreements among the delegations that had an underlying tone of defense of their respective countries. There were also several specific information questions raised about Moroccan personal status law which, for the most part, the Moroccan participants were able to answer. The questions of the primacy of the husband in the marriage, divorce, child custody, alimony, and inheritance were of particular interest to the participants. The essence of their discussion was that favoring the males in these aspects of the law results in women not having economic power with serious adverse effects on their participation in the economic development of the country.

The third roundtable addressed the Tunisian report with comment from the Palestinian delegation. The author emphasized that there is a strong commitment by Tunis for gender equality, and this is backed by continued attention to improving legislation in the areas of employment and personal status law, which is considered the most advanced in the Arab countries. The latest change was in 1993 to remove the "obedience" provision which previously gave the husband the right to be obeyed by the wife-- and this change in the law is a first among the Arab countries. Also, unusual is the right to abortion which exists in Tunis. However, while the situation in Tunis seems quite favorable in the area of legislation against discrimination, it still exists in practice, especially in the private sector.

The Palestinian commentator said that Tunis is a good example for the rest of the Arab countries but also recalled the need to pay attention to the informal sector, where women are economically active. The Palestinian speaker briefly outlined the challenge for instituting Palestinian laws in the Occupied Territories, so far governed by a myriad of Ottoman, British mandate, Israeli-occupation laws as well as Egyptian personal status law in the Gaza Strip (under Egypt during 1948-1967) and Jordanian personal status law in the West Bank (under Jordan during 1948-1967).

The Palestinian commentator wondered how is it that Tunis has managed to be so advanced in its legal outlook on women, and a Tunisian participant responded that this was in part due to enlightened leadership which instituted changes immediately following independence in 1956, and also due to the strategy of engaging Islamic legal scholars who helped form the laws so as to conform to Islamic principles. She also noted the positive role of women's organizations in changing social attitudes.

In the discussion that followed, there were questions about why Tunisian women's participation in the economy and politics do not reflect the advances made in legislation. There was also some discussion of Tunisian personal status law and the implications of equality on alimony and child support after divorce. The Tunisian delegation noted that there is indeed much work to be done by women's organizations to increase women's legal knowledge about their rights in all aspects of life.

The final roundtable was held in the evening and focused on the Yemeni paper with comment from Jordan. The author emphasized the problem of high illiteracy among women in both urban and rural areas in Yemen, and also the high frequency of early marriages. These, she said, are the major obstacles to women learning about their own rights under the law. In addition, traditions that consider women inferior to men have kept employed women in low positions in the employment hierarchies, and also prevent them from freely travelling outside and inside the country.

The author said that there is constitutional equality for women in the 1992 Yemeni constitution, but personal status law in Yemen, as in most Muslim countries, is based in the Sharia. There has been some effort by the government to increase the awareness of women, but has not been adequate.

The author said that social attitudes are a great hindrance to the advancement of women. Divorce, however, unlike some of the other Arab countries, is not considered taboo and women are able to remarry with no damage to their status or reputation.

The Jordanian commentator noted that illiteracy and early marriage are common problems shared by Jordan, but that the Jordanian government and voluntary organizations are engaged

in serious efforts to improve the education and awareness of women.

In the discussion that followed the Yemeni paper, attention was focused on personal status law, and it was noted that in Yemen guardians can have girls marry even earlier than the minimum legal age of 15--which is a problem. The Yemenis noted that the struggle for equality in the southern provinces dates back to the 1940s while in the northern provinces only since the 1960s. It was evident from the presentation and the discussions that Yemen is very traditional in its outlook on gender roles.

(ii) Workshops.

On December 16 the conferees grouped into four workshops that addressed the following topics: the effects of personal status law on the participation of women in development, laws affecting the participation of women in economic activities, obstacles that prevent women from participation in political work and decision making, and women's education and its effects on their participation in economic life. Each workshop had about eight members and a representative of at least each of the four main countries. The participants, however, were free to choose which workshop to attend. The topics of discussion in each of the workshops are noted below. Each came up with recommendations that formed the basis of the final "Tunis Declaration."

The main discussion points in the first workshop entitled "the effects of personal status law on the participation of women in development" were: changing personal status law within context of the Sharia, marriage age, husband guardianship of the wife, rights and obligations and the "obedience" provision, multiple marriage, recognition of women's productivity at home, divorce and women's right to maintenance, and child custody. Recommendations were presented

based on the consensus of the participants in the workshop. The group recommended a work plan to: (a) form a permanent committee to follow-up and implement the "Tunis Declaration," (b) finance social and legal studies and research, (c) finance programs that aim to educate women to their rights and to help them with legal advice, and (d) create more networking among non governmental women's organizations.

The discussion in the second workshop titled "laws affecting the participation of women in economic activities" were: the participation of women in the formal and informal sectors of the economy, vocational training of women, treatment of women's situation as housewives, workers, and farmers, women's health as a factor in development, legal obstacles to women's participation in development, and the inclusion of women in the leadership of economic organizations and unions.

The third workshop was entitled "obstacles that prevent women from participation in political work and decision making." The participants agreed that there are no constitutional and electoral legislation prohibiting women from more full participation in politics. The problems are that there is ambiguity in some of the laws, pervading social attitudes, and lack of political will to actively recruit women for political office on the part of organizations and leaders. Other contributing factors are lack of political training and experience on the part of women and the general lack of democratic traditions.

The fourth workshop titled "women's education and its effects on their participation in economic life" addressed the importance of education to development, the current situation in the participating countries, and obstacles and difficulties facing women's education--especially in light of some deterioration in the economic conditions in some of the countries.

In the afternoon, the chairwomen of the four workshops (each workshop had elected their own) presented preliminary reports of their deliberations. These were to form the first draft of the "Tunis Declaration." The last formal activity of the day was listening to speakers from CEMAT and Centre Arabe de la femme who discussed opportunities for research and networking.

On December 17, the last day of the conference, the conferees deliberated on the "Tunis Declaration" and reached a consensus after many hours of discussion that lasted into the late night. Clearly, the participants showed serious interest in the topics of the conference, and in my discussions with several especially the Egyptian and Tunisian delegations it was evident that they have put many hours into preparation for the conference.

(iii) The "Tunis Declaration."

The main points of the "Tunis Declaration" were (this is a translation of the Arabic text with very minor changes):

We the Arab women participants in the conference Women and the Law in the Near East, December 14-17, 1994,

--Believing in the necessity of the active participation of Arab women in the development of their society,

--Being aware of the necessity to develop the laws to conform to social changes and international organizations,

--And concerned with confronting the obstacles that restrict the participation of women in development, among the most important are norms, traditions, and laws that support discrimination between the sexes, all kinds of extremism, the absence of political will, and the

limited influence of civil society in most of the Arab countries.

We recommend the following:

I. In the sphere of personal status,

1. Place family law on the principle of equality and justice to guarantee the honor of women.

2. Raise the age of marriage and apply penalties for breaking the law.

3. Abolish women's guardianship in marriage.

4. Equality of husband and wife in rights and obligations and abolition of rules that bind the right to work and movement.

5. Recognition of the importance of women's production at home and guarantee of their sharing in the profits of their economic participation during marriage.

6. Guarantee of women's right to alimony and a home and reparations for harm done because of the divorce.

7. Guarantee of both parents' right to child custody.

8. Guarantee of women's participation in committees that study and change personal status laws.

II. In the sphere of women's participation in economic development,

1. Call on the Arab countries who have not done so to ratify international convention regarding women and children.

2. Open training opportunities to females on equal footing with males, especially in non traditional vocations.

3. Support and finance women's organizations concerned with the education and training

of women, especially in non traditional activities and economic projects.

4. Attend to women's and children's health and support research and services in this area.

5. Help with support services to working women, such as day care and clubs for young people.

6. Provide continuous training for women to facilitate their inclusion in economic activity.

7. Increase women's awareness in the area of family planning.

8. Amend legislation and regulations that limit women's participation in development and remove the gap between law and its implementation.

9. Remove obstacles that stand in the way of women's participation in development, such as restrictions to travel or work in commerce.

10. Facilitate and encourage women's efforts to start business, such as the provision of loans.

11. Work on the inclusion of women in various professions, labor unions and administrative councils, and their participation in committees in charge of making appointments, promotions, and training.

12. Study the consequences of structural economic changes and whether these have adverse effects on women.

13. Help women to participate and benefit from rural development projects and the gaining of technology and ownership of means of production.

14. Pay attention to qualifications not sex when making appointments and provide for penalties for discrimination against women.

15. Help women become aware of their employment rights through educational programs and use of various media means.

16. Review labor laws to guarantee equality of the sexes.

17. Incorporate the informal sector into labor law in regard to all rights and privileges.

III. In the sphere of educational policy,

1. A comprehensive approach to illiteracy that gathers the efforts of various governmental and non governmental organizations concerned with women.

2. The expansion of the meaning of illiteracy to include cultural, health, political, social, and legal aspects.

3. A program to target families to increase their awareness of the need for female education, the expansion of rural education, and financial support of the education of children in poor families.

4. Mandatory education in countries that do not have that law and implementing penalties for breaking the law.

5. Prohibit the employment of youth prior to finishing their basic education and the provision of penalties for disobedience to the law.

6. Review of all educational curriculum for materials that discriminate on the basis of gender.

7. Incorporation of the principles of human rights and democracy in the educational curriculum.

8. Development of vocational programs that guard against gender discrimination and provide equal opportunities.

9. Treatment of the problem of girl's leaving school early.

10. Provision of the necessary means to make it possible for rural women to participate in

literacy programs.

11. Better training of those in charge of literacy centers and getting help from various media.

IV. In the sphere of political work,

1. Development of electoral laws to increase the numbers of women in representative bodies, in a gradual manner.

2. Amend the laws to guarantee equality in the practice of political rights, as guaranteed by constitutions.

3. Assure that women participate in making governmental policies and their implementation at all levels.

4. (women's) Participation in the membership of organizations, foundations, local councils and various administrative bodies.

5. Work on increasing awareness of the importance of women's political action same as the men's, and the utilization of media sources for this purpose.

6. Educating women to prepare them to actively participate in political parties, syndicates, and non governmental organizations.

7. Practice of political rights and obligations in an active way in the process of democratization, and encourage women to practice their right to nomination and voting in local councils in towns and villages.

8. Activate women's organizations and foundations to become a pressure group backing women who are nominated and to support their campaigns financially.

9. Make the public in general and women in particular aware of the importance of the role of women in political work.

10. Encourage political will to support the presence of women in centers of decision making, in the political and higher administration arenas, in the diplomatic field, and in representing their country in international conferences.

11. Call on international organizations to provide opportunities for Arab women to work in their various organizations so as to increase their ability to affect decisions.

In conclusion, we recognize the level of awareness that Arab women reached in their struggle for an Arab society that is healthy and balanced and supportive of women's rights and their ability to share in a comprehensive and continued development.

We also note with favor the gains achieved for our sisters, the Tunisian women, and commend the political will of president Ben Ali who seeks to reinforce Tunisian women's gains and to support their continuation.

(iv) Analysis.

The Tunis conference and Declaration provided an unofficial environment for a number of Arab women lawyers and members of non governmental organizations concerned with the conditions of women in the Near East to come together for the first time to discuss the relationship of laws to development. In the brief time that they met, the participants became better exposed to commonalities and differences relating to legislation and implementation of laws dealing with equality and gender issues.

In review of the research, conference proceedings, and informal discussion, it is evident that all the countries have gone a long way toward remedy of gender inequality in the law, but that there is a large gap which varies by country between legislation and implementation. It is also evident that social traditions still favor male dominance in public and economic affairs as

well as the family.

In terms of the coverage of various issues regarding women, law, and development, the country reports and the discussions that followed show that there is more research and information available on certain issues than others. There is a good deal of information gathered in the areas of education, employment (though mainly in the formal sector), and political participation. There is only preliminary data gathered on population planning, women's health, and organizations concerned with women's issues. The area we know least about is violence against women and sexual harassment and how these affect women's participation in development.

Of particular interest and sensitivity to the participants is personal status law and how it contains some of the most entrenched discriminatory norms. Interest in all aspects of personal status law, marriage, divorce, child custody, and inheritance constituted a major dimension of the discussions at the conference. Given the current political environment in the Near East, remedies can only prove to be extremely difficult.

Differences in personal status law among the countries represented in the conference and how well countries implement their laws, were some of the main topics of disagreement among the participants. There was also the tendency among some of the participants, especially those more officially representing their countries, to align as country delegations and speak in defense of their own country's policies. Generally, however, most of the participants were prepared to have a critical approach, as evident in the "Tunis Declaration." In the end, the conference served as a place of networking and the sharing of ideas among the women from all the eight countries. It also provided an avenue to draw an outline of key ideas that the conferees thought

would improve the situation of women in development. This was stated as the "Tunis Declaration".

C. Relevance of findings to policy issues.

The above summary of conference proceedings and analysis suggest that law and legislation are important aspects of advancing the role of women in development, but that also they form one dimension of intricately related social and economic norms and practices in the society that discriminate against women. The "Tunis Declaration" confirms that approaching the relationship of laws to development must be done in all area: social, economic, and political, and, in the end, can only be done if there is political will by segments of the elites, including women's governmental and non governmental organizations.

D. Detailed recommendations.

1. The Tunis conference was a first of its kind, and therefore a follow-up should be very beneficial to enhance the networking among the groups represented at the conference. A future conference should also expand to include a larger number of countries. AID can play an important part in enhancing women's participation in legislation that affect development. By further facilitating the sharing of ideas and networking among governmental and non governmental women's organizations, AID can strengthen women's capabilities to further engage in public decision making.

2. There should be more attention to developing strategies for change, training in leadership, and teaching future conference participants how to utilize available resources already existing in the various countries.

3. A follow-up conference should organize discussions with minimum opportunities for

groups to organize by countries or in other political grouping. In this way, individuals can more freely turn to more substantive discussions and address strategies of change whether common to all or differing by country and locale.

4. A future follow-up conference should include mechanisms for taking the information gathered and decisions made by the participants to their various organizations for dissemination, discussion, and implementation.

5. Holding the conference in the Near East has advantages in terms of remaining within the social, political, and economic environment of the participants, and it is less expensive. However, there are advantages to holding a follow-up conference in the United states, such as ease of arrangements and communications and distance that can serve to produce a more neutral environment for discussions. Having said that, it is important to note that UNFT was very helpful in providing information for this report and its personnel were extremely gracious hosts.

E. In conclusion, this project is one of a pioneering few to engage women's organizations in the Near East during this period of global democratization. It is important that this effort to reach women political elites continue in order to assist in their empowerment through sharing of ideas and networking across the region. A conference organized as workshops is an appropriate means for this goal.

3. Annexes.

A. Bibliography.

(i) Conference program "Women and Law in the Near East: the Effects of Legislation on the Participation of Women in Development," held in Tunis, December 14-17, 1994 (Arabic, attached).

(ii) Conference Participants (English, attached).

(iii) Speech of Dr. Naziha Mazhud, Minister of Women's and Family Affairs. Topic: Women, Law, and Development, December 15, 1994 (Arabic, attached).

(iv) General Report on the Proceedings of the Conference on Women and the Law: the Effect of Legislation on the Participation of Women in Development (prepared by UNFT-Arabic, attached).

(v) Workshop Reports for Sessions 1-4 (prepared by UNFT-Arabic, attached).

(vi) The "Tunis Declaration" (Arabic, attached).

(vii) Newspaper clippings from the Tunisian press on the conference (only a selection-Arabic and French, attached).

B. Methodology. This report relies on personal observations, discussions with conference participants, and readings of reports availed by UNFT.

C. My role at the conference was to utilize my Arabic knowledge to listen and informally keep track of the proceedings and events for the project. Afterwards, I was to work with local organizers, Field Researcher 2 and UNFT, on the conference report immediately following the meeting. The allocated time for these activities was two weeks.

D. Key contacts were Madam Faiza Al-Kafi, president of UNFT, Madam Riza, vice-president of UNFT, staff of UNFT, Madam Bouraoui, director of CREDIF, members of the delegations of the eight countries represented at the conference, staff of the Arab Women Center.

APPENDIX C

Research Report by Laura Rice

Date: January 17, 1995

From: Laura Rice
CID/WID Researcher
Conference Coordinator

RE: Research Report on Regional Conference:
"Women and the Law in the Near East:
Legal and Regulatory Constraints to Women's Participation in Development"

EXECUTIVE SUMMARY

1. PURPOSE OF THE STUDY

The scope of work assigned to me for the project "Women and the Law: Legal and Regulatory Constraints to Women's Participation in Development" concerned only the period between the completion of four country-specific reports on the subject (from Yemen, Egypt, Tunisia and Morocco) and the Conference held in Tunis, Tunisia in mid-December 1994. My job was to do the logistics and conference design, in consultation with the co-sponsors of the project in Tunis, the Union nationale des femmes tunisiennes and USAID-Tunis. The purpose of the conference was twofold: 1) to disseminate the findings of the four country-specific reports and the attendant country-specific bibliographies and organizational profiles germane to the project; and 2) to encourage discussion of the range of legal and regulatory constraints that affect women in the four target countries and in four other areas--Oman, Lebanon, West Bank/Gaza and Jordan. The Conference was very successful in meeting both these purposes.

2. KEY FINDINGS

The key findings of this report have to do with the challenges that surfaced in the effort to design and implement a conference of this complexity within a period of just over two months. The report is organized around the four main areas of my scope of work: supervision, negotiation, networking and design. While concrete examples are given from the actual project, my recommendations are general; the actual project was an ideal case study for the development of communications and logistics strategies, applicable to many projects.

3. POLICY IMPLICATIONS

The policy implications mentioned in the report are three: 1) the need to tailor general job descriptions to the specific project in such a way that responsibilities and interrelationships are clearly described despite the decentralization of staff working on the project; 2) the need for written contracts or letters of agreement, between project staff and local providers, that are detailed enough to avoid costly differences of opinion when it is time to pay for services rendered;

3) the need for careful attention to the logistics of implementation and documentation of projects at the onset of the project (or phase of a project). The Conference "Women and the Law in the Near East" developed strategies to meet the demands of need # 1 during the course of Conference planning (as new participants and staff contacts were added prograssively as the Conference approached); needs #2 and #3 were forseen before the final phase of the project began, so strategies were developed before the start date. A *Manual of Procedures*, including budget guidelines and a set of model documents (hotel contracts, conference set-ups, archive systems), could be developed for use in future projects like the Conference on "Women and the Law in the Near East."

4. MAJOR RECOMMENDATIONS

The major recommendations listed here concern supervision, staff interaction, need for documents containing standard information and record keeping.

5. CONCLUDING REMARKS

Designing and implementing the Conference on "Women and the Law in the Near East" was challenging, given the short lead-time and the large number of staff and participants involved. The Conference succeeded in achieving the goals designated in the project workplan: dissemination of information, debate, networking, planning for further action and the development of a consensus statement. In addition, the Conference also generated a useful record of strategies and practices that were central to implementing a successful conference. This record indicates practices that are generalizable and could be institutionalized via a Manual of Procedures.

REPORT: "WOMEN AND THE LAW IN THE NEAR EAST"

BACKGROUND INTRODUCTION:

The Conference "Women and the Law in the Near East: Legal and Regulatory Constraints to Women's Participation in Development" brought together 33 women--legal experts, activists and academics--from 8 countries of the Middle East and North Africa. At this regional conference, participants from Yemen, Egypt, Tunisia, Morocco, Oman, Lebanon, Jordan, the West Bank and Gaza met to discuss the formal and customary constraints to women's participation in the economy, the family, and the educational and political systems of their countries. The keystone of the Conference was a series of country-specific reports written by legal experts from Yemen, Tunisia, Egypt and Morocco. These reports included, in addition to the research findings, a country-specific bibliography of research done on women and the law in the 20th century, and a country-specific profile of the key non-governmental organizations involved in research, education and activism related to women's legal status.

Before the Conference took place, the participants from countries with reports met to discuss their country's report and to establish a list of priority issues. These lists were then sent to paired, non-report countries along with the country report, for purposes of comparison and response; the paired countries were Egypt/Oman; Tunisia/Palestine; Morocco/Lebanon; and Yemen/Jordan. The conference proper had two major goals: 1) to disseminate the results of the 4 country reports; and 2) to encourage discussion of the range of legal and regulatory constraints that affect women from these eight Arab countries. A third goal of the conference was--through round-table presentations, workshops, sub-committees and discussions in plenary session--to draft a statement of consensus concerning legal and customary restraints to women's participation in development entitled the "Tunis Statement"; this document is to be presented at the 1995 International Women's Conference to be held in Beijing.

Beyond the specific and measurable outcomes of the Conference such as the "Tunis Statement," the conference focussed the attention of key women decision makers in these eight countries on on-going issues and needs: the need to examine the legal and regulatory constraints that shape women's lives; the need to develop strategies to overcome these constraints; the need to examine--with special attention to gender--the legal structures and practices of these Arab countries; the need to promote networking among Arab women and across the institutional barriers of the courts, the academy and the NGO. The Conference served once more to stress the desirability of empowering women to take an active role in the development of their societies.

MATERIALS DEVELOPED

The Conference "Women and the Law in the Near East" was the culminating phase of a much larger project, one which also included the researching, writing and translating of the four country reports as well as the dissemination of the findings. Because the conference was moved from

Sana'a, Yemen to Tunis, Tunisia due to civil war in Yemen, the project suffered a number of delays. Yet, delays and complications are probably a given for undertakings involving many staff and participants, so I focus in this report on strategies developed to minimize confusion, misunderstanding, and in the worse case scenarios--concomitant budget overspending . (The research outcomes of the conference are being covered in a different report written by another Field Researcher sent to Tunis for that purpose). Because this conference took place in a truncated period of time, and because it involved communications among a great number of staff and participants from a variety of countries and institutions, it offers the basic data for a case study of the logistics of management, communications and documentation.

This report addresses the challenges that were met in the effort to design and implement a conference of this complexity within a period of just over two months. The organization of this report follows my "Scope of Work." My comments deal with lines of authority (supervision), negotiation of agreements (service contracts), networking with co-sponsoring agencies (cooperation) and designing a final product (the conference). These were the four areas of my "scope of work." While I will cite some concrete examples from the actual conference "Women and the Law in the Near East" as background, my recommendations are general and should be valid for future projects of similar design. This Conference brought into relief the essential strategies needed to facilitate relationships among project staff, transmission of information and archiving of documents.

1. Supervision:

Part of my responsibilites involved supervising another FR in matters concerning conference organization. I expected to be supervising another person, but not under the conditions that I ended up doing it. In this particular case FR1 and FR2 shared the same job description--suggesting an equivalence of expertise; on the other hand, FR1 and FR2 had different scopes of work--suggesting a differential, graduated expertise. The initial result was a confusion over responsibility for specific areas of supervision. In general, the division of responsibility for supervision-- who hires, who assesses the needs and abilities attached to the position, who defines the scope of work; who defines the literal meaning of "it is not expected that the work will take full time throughout the project" in the job description, who verifies the actual time put in, who controls salary--needs to be worked out among the staff ahead of time. Because the lead-time was short in this project, we had to work out these responsibilities during the project. In different projects, the answers to these questions may differ, but I think in every case it would be important that the key staff involved discuss and agree upon the division of responsibility.

As the conference date for "Women and the Law in the Near East" approached, it became clear that additional staff were needed to accomplish the work that needed to be done. In addition to FR1, FR2 and KRM, I hired a secretary who could work in French, Arabic and English; a troubleshooter with a PhD, fluent in French, Arabic and English; two go-fers with ability in French, Arabic and English; and a typist with facility in producing documents on the computer in French, Arabic and English, who could work late at night during the conference. All these people needed to work as a team. In order to assure job performance and encourage team work and

information sharing among FR1, FR2, KRM and local assistants, a "workplan" was established for the last weeks before the conference. Ideally, this work plan was to assure that each person knew what the others were covering that day, that each would leave a list of major contacts made and outcomes achieved when they left at noon, and again when they left for the day. The workplan is included as Appendix 1.

2. Negotiation of Agreements:

This project involved two kinds of agreements: agreements with local assistants to provide logistical support for the conference, and agreements with providers of services like printing, copying and lodging.

A. KRM International

As mentioned above, various local assistants (in addition to the local co-sponsors, USAID and UNFT) helped with the logistics of the conference. The entire logistics plan for the conference was drawn up by KRM International, a consulting firm in Tunis and myself. As noted in my trip report, a Timeline was created by working back from the projected date of the conference to the present moment when work on the conference began in Tunis. The timeline indicated tasks to be done, start and end deadlines for the tasks, and a brief description of the task. In addition, the timeline distinguished between CRITICAL tasks which had to take place by the stated deadline in order for the conference to take place on schedule, and other tasks with more flexible finish dates (See Appendix 2). Along with the timeline, a Distribution of Tasks was drawn up to show the division of labor among the co-sponsoring groups in Tunis: CID/WID representatives, USAID representatives and UNFT representatives (See Appendix 3). The Distribution of Tasks did not work perfectly, in that in specific cases tasks assigned to one group were also acted upon by another, so working at cross-purposes happened (I refer specifically to interactions with the hotel), but generally the co-sponsors worked in a complementary fashion and the work was well done.

FR1 and FR2 also rented office space, machines and communications from KRM. Having a homebase for the project turned out to be crucial, as the project demanded an extremely high volume of communications by phone, fax and e-mail (numerous local and international phone calls; more than 110 overseas faxes sent; numerous local faxes sent; 160 e-mail messages transmitted, within 2 months). E-mail was by far the most inexpensive and convenient form of communication between Tunis and the US. It offers the following additional advantages:

--messages can be sent to multiple addresses at one time.
--folders can be kept for various subjects
--dates and times messages are sent is automatically recorded
--the time difference between the US and the project site no longer matters; the e-mail message is there when you get to the computer.
--you don't have to wait for an International Operator to transfer the call.
--the bill for the service can be checked, because the number of bytes used are automatically recorded on your computer and can be verified.

The use or non-use of e-mail may look like a side issue, but this project would have been much more difficult and confusing without it. According to IRSIT (the Tunis Central Computer Office), only about 50 firms subscribe to e-mail services right now in Tunisia, for example. So, e-mail--while still rare--does exist outside Europe and the US, and offers measurable communications benefits to project-management.

KRM was also instrumental in setting up an Archive for the project that included originals of all documents generated, records of phone calls, copies of faxes and e-mails (printed landscape format so they were visibly distinguished from faxes). These records were filed chronologically with the date written on the top of the page--always in the same location--for easy use. Each document also had a document number, so all documents were ordered numerically and chronologically at the same time. The document numbers corresponded to two record books, one for Arrivals and a second for Departures. These Record Books were an index showing when a document was sent, to/by whom, how many pages, in what form (eg. phone call, fax etc.), brief list of contents and space for observations. This Archive system turned out to the the backbone of project management. Folders for specific topics were also established, and folders and files were kept on the computer for e-mail and computer-generated documents. These Archives turned out to be essential in keeping a thorough record of the project--especially in circumstances where the correspondance was being carried on among a network of groups (USAID-Washington, WID, CID, UNFT, KRM, USAID-Tunis / Rabat / Cairo / Sana'a / Jerusalem / Amman / Beirut / Muscat, and principal researchers in Egypt, Tunisia, Morocco and Yemen); iterated budgets were being developed between Tunis and Arizona; service contracts were being negotiated; and progress reports sent to various agencies. In a situation where one does not have an easy way to look up information (mailing addresses, phone numbers, fax numbers) because the rare phone book is incomplete and out of date, "information" from the phone company is unreliable, file cabinets are rare, and electricity sometimes fails), one needs an Archive to serve all these ends. Even in the US where it is much easier to get missing information, this sort of Archive should be standard for any project, because one often may file a document with one purpose in mind, and look it back up for an entirely different reason (i.e. a document filed under "participants" might get looked back up in order to find out the zip code of the sender--a piece of information that has nothing to do with "participants").

B. Local Assistants:

Local assistants hired were chosen for the specific skills they brought to the project. They were hired at the time it became clear that the labor-intensive work of implementing the conference tasks could not be done by existing staff. They were given clearly defined jobs and carried them out well; they worked well together and their language ability turned out to be much in demand at a conference where participants and co-sponsoring representatives did not always speak a common language.

C. Service Contracts:

The major contract was between the conference hotel and the Conference Coordinator. The

conference hotel was asked to furnish support services for the conference (banquet service, photocopying, audio-visual). The services were specified in a Request for Services, written by KRM, and agreed upon after discussion between the Conference Coordinator and the hotel business manager (See Appendix 4). Every conference has its unexpected elements, and this one did, too. The photocopy service offered by the hotel Business Center turned out to be inadequate because it was not open all night and closed during the big soccer match on Saturday and all day Sunday. Photocopies sent out to be done elsewhere with hotel help took as long as an hour to get done. We ended up having to do much more copying than anticipated, and had to send runners out to the larger photocopy firms like Xerox in order to meet the time and volume pressures of the Conference. In retrospect, I'd say it would have been well worth the expense to have a copy machine at the conference office in the hotel; a small portable xerox machine could not have taken care of the larger jobs, but it would have facilitated things in many cases.

The "Request for Services" enabled the final bill to be agreed upon with almost no discussion or conflict. When conference participants mistakenly used more expensive services than ones included in the contract, the provision that "only real costs would be charged" allowed us to agree with the hotel that a "global" sum would be used so that those participants who accidentally overspent were balanced by those who underspent. When the hotel manager gave coupons for meals to one co-sponsoring group without consultation with the Conference Coordinator, the manager was asked to go back to the contract to see that this coupon option was not part of the contract, that a complete list of participants had been provided to the hotel from the beginning and that the Conference was not responsible for paying for those meals obtained by coupon--the group who had been given the coupons were. The hotel manager was getting directions from several sources at once, and at times the agendas of co-sponsoring groups differed; the written "Request for Services" and the accompanying documents listing participants nights and arrival and departure schedules (See Appendix 5) meant that disagreements about payments for services could be settled by referring to these documents, rather than getting into personality differences and fault-finding. When the Conference Coordinator and KRM went to pay the final bill, both the hotel and the conference office were in agreement about all charges and felt the bill was money paid for services rendered. The hotel bill also came out below budget.

3. Cooperation

CID/WID representatives consulted with UNFT and with USAID-Tunis. Although the "Scope of Work" specified that CID/WID representatives were to consult with other NGOs, that consultation was somewhat limited because co-sponsorship had been pre-established. As I said in my trip report, the Conference goal of producing a document for the 1995 Beijing Conference, a goal added to the project just before the final phase, shed new light on possible co-sponsorship and representation. In retrospect; working with the network of women's NGOs called "Reseau tunisien des ONGs femmes: Beijing 95" would also have been appropriate (see Appendix 6). The organizations included in the network are: UNFT, Association Tunisiennes des Femmes Démocrates, Commission Nationale "*Femme et Travail*" de l'Union Generale Tunisienne du Travail, Federation Nationale des Agricultrices, Section Femmes de l'Ordre des Avocats Tunisiens, Association des Femmes Tunisiennes pout la Recherche et le

Developpement, Movement Mondial des Mères, La Chambre Nationale des Femmes Chefs d'Entreprises, and Section Femmes de la Ligue Tunisienne des Droits de l'Homme. Like UNFT, the other NGOs who make up the network, are highly professional and effective. Tunisia boasts many impressive NGOs and Research Centers such as CREDIF and the Arab Women's Center that are devoted to women's issues, so future work in Tunisia is very promising.

Perhaps because the timeline for the Conference was very short, and the need for updating on progress and budget central, a US Coordinator with knowledge of US reporting procedures was hired, and UNFT given a separate portion of the budget to oversee. This was a shift from the previous project co-sponsored by UNFT, so the changes in oversight needed to be explained to UNFT from the outset by someone other than the Conference Coordinator. The Distribution of Tasks was created in an attempt to avoid confusion of responsibility in this situation.

4. Conference Design

The co-sponsors in Tunis began designing this conference with guidelines established by looking at the researchers' "Scope of Work" and through conversations with CID/WID. As Coordinator, I compiled a list of the guidelines that had been given me, and the list was handed out at the second Steering Committee meeting. For each Steering Committee meeting, an agenda was proposed and approved, all documents germane to the meeting were brought for each Steering Committee member (even if they had already been provided in another context earlier), and minutes were taken and then later provided to each member for amendment and approval. The purpose was to keep all of us moving forward along the established timeline and according to the distribution of tasks. Difficulties which hampered progress included things like our inability to call or mail information to Palestinian and Lebanese participants. Another unplanned difficulty concerned the number of Conferences that were taking place simultaneously and which complicated communications with participants, WID officers and principal researchers, all of whom were variously engaged in conferences taking place in Dakar, Amman and Abu Dhabi--and therefore were unreachable or were too busy to respond quickly to our needs.

The result of the above set of circumstances was that I ended up writing the conference design by myself, with the idea that others more centrally engaged in the content of the conference would criticize and revise the design (See Appendix 7). The time constraints for this conference were severe enough that my design was accepted by everyone without debate initially, and then suggestions came in piecemeal and very late. Despite this fact, I think the design of the conference was flexible enough to integrate the changes as they happened, in most cases. Input from Khedija El Madani, researcher from Tunisia, at Steering Committee meetings was very helpful and did directly address the design of the conference; having the time to get input from the other three principal researchers would have also been desirable.

The general guidelines for the Conference included: 1) the four research reports were to be disseminated at the Conference; 2) the participants were to make site visits; 3) the delegations were to remain balanced and equal; and 4) this was not to be a "talking heads" conference but

rather a "hands-on" conference where issues were debated, policy statements developed, and a plan of action for future activity begun. The addition of four non-report countries to the conference complicated guidelines 1, 3 and 4; how were non-report countries to be meaningfully included in a conference whose purpose was to disseminate the results of the four country-specific reports?

My solution was to design a conference where the first day was spent on site visits to give the various delegations time to come up to speed. The Egyptian delegation had been meeting and debating the issues for the previous week, for example, while the Palestinian delegation kept changing, it was impossible for us to call them or mail documents to them directly, and it was difficult for them to meet given that they were divided between Gaza and the West Bank.

The second day was devoted to four roundtables, one for each country-specific report and a concomitant response by a paired country. At the end of the second day, four major issues, the choice of which was to be generated by the roundtable discussions, were to be chosen by the participants as workshop themes for day three.

At the end of day three, following the workshops, the four major researchers and representatives from each of the other non-report countries were to meet to draft a consensus statement about "Women and the Law in the Near East" which would be debated, revised and approved by the participants in plenary session on day four.

This conference design was more open than that of conferences based on papers and reports delivered from the experts to the audience. This conference was innovative in that it allowed participants to have meaningful input into the construction of the conference, but by the very same token, it also was, perhaps, in danger of seeming merely disorganized because the agenda was altered daily (within the established framework) to reflect the participants' choices. The participation of Nagat Al Sanabary from the Near East bureau, who had authored the original scope of work for the entire project, was a boon to the Conference. She was in a position to act as moderator among the delegations, and she commanded the respect of all the various countries. Her shift from observer to moderator was important. Had she not been available, the four researchers would have taken this role, but balance among the delegations would have been more problematic then. Her presence also was important to assure that the "Tunis Statement" drafted on the final day was indeed representative of consensus opinions and not the views of one specific delegation or another.

The early arrival of participants due to plane schedules also ended up being helpful, as most of the delegations introduced themselves and decided on the themes for the workshops in a pre-conference meeting, chaired by Nagat Al Sanabary, held in Tunis on the evening of December 13. Although the debate at the meeting about the content of day three was somewhat chaotic given that almost all 33 participants were there along with observers from CID/WID and the Steering Committee members from Tunis, I do think each person felt that their input really did affect the content of the conference and that their opinions were taken seriously.

RELEVANCE OF FINDINGS TO POLICY ISSUES

1. In the case of projects that involve decentralized networks of project members, specific attention should be given to tailoring the general job descriptions to the specific lines of authority and inter-relationships needed by the project at hand.

2. Written contracts (or requests for services) with service providers, if the contracts are comprehensive and discussed with the provider ahead of time, are preferable to "gentlemen's agreements" where details are not spelled out. For conferences, much of the budget is actually spent on lodging, meals and support services, so clarity about services contracted matters a great deal when the conference is over and it is time to look at the bottom line.

3. Projects are just good ideas until someone provides the logistical expertise to match the budget with the timeline and the division of labor. Paying attention to logistics is central to projects to all projects, but espcially to projects that have suffered delays.

DETAILED RECOMMENDATIONS

1. Supervision:

As a matter of course, I would suggest that the following documents be transmitted whenever a situation of supervision exists:

a. Transmission of the appropriate CVs and recommendations to the supervisor.
b. Written assessment of the match between skills and needs, with the supervisor having some role in identifying the needs.
c. Agreement between the supervisor and CID/WID on the scope of work assigned to the supervisee.
d. Formal methods of evaluation for job performance of the supervisee.
e. Formal records of the amount of time spent on the job, verified by the supervisor as well as reported to CID/WID.

2. Staff Interaction:

In cases like the present project, in addition to the distribution of tasks allotted among UNFT, CID/WID and USAID-Tunis, it would have been a good idea for the CID/WID group to have a "workplan" outlining basic expectations, procedures and responsibilities from the onset of the project.

3. Basic Documents:

A number of standard documents are useful in a project that includes various decentralized staff members and participants from a number of countries arriving from a number of destinations:

a. Names, mailing addresses, phone and fax for all CID/WID staff and all USAID post officers involved in the project, as well as key personnel, like the principal researchers in this project.

b. Standard per diem rate list published by USAID (participants may fly routes that change at the last minute so the person responsible for paying out the per diem should have the list of standard rates on hand).

c. The "scopes of work" germane to the project.

d. The AID guidelines affecting the use of budget in-country; these guidelines should be a written reference available to the person responsible for the budget.

e. Essential budget information: while the people who are in charge of putting together the budget for activities to be implemented in-country do not necessarily need detailed information on the overall budget , they nonetheless should be informed about portions of the budget allotted for stateside activities that impact program design in-country.

f. Documents mailed or sent with staff members from the states to the overseas location need to be inventoried; that is, the final recipient should be sent by fax, mail or e-mail, a list of documents to be expected. When the documents actually arrive, it is then easy to know if everything sent has made it to the final destination.

5. Record Keeping:

Any project would probably benefit from keeping an Archive of the activity and correspondence. An FR in charge of the oversight of a project like this one would benefit from standard, written guidelines concerning creating and updating archives.

CONCLUSION

The Conference on "Women and the Law in the Near East: Legal and Regulatory Constraints to Development" was an important and successful conference. Under the time constraints in which it was implemented, it was a remarkable achievement due to hard work on the part of all involved--CID/WID, UNFT, USAID, the principal researchers, the participants and the Near East Bureau. A standard set of documents and a manual of procedures including budget guidelines, model documents and archiving methods would make future projectof this type easier to carry out.

ANNEXES

1. BIBLIOGRAPHY:

The section of the project I was responsible for was the logistical rather than the academic paryt of the project. Nevertheless, I did refer to two types of documents: 1) recent works concerning women in the Maghreb and works specifically about women's organizations in Tunisia; 2) proceedings concerning previous conferences, many of them provided by the WID office in Arizona.

A. Works on Women in the Maghreb and on women's NGOs in Tunis:

Bessis, Sophie avec Souhayr Belhassen. *Femmes du Maghreb: L'enjeu.* Tunis: Cérès Productions, 1992.

Darghouth Medimegh, Aziza. *Droits et vécu de la femme en Tunisie.* Lyon: L'Hermès-Edilis, 1992.

Femmes du Maghreb au présent: La dot, le travail, l'identité. Paris: Editions du Centre National de la Recnerche Scientifique, 1990.

Ghanmi, Azza. *Le Mouvement féministe tunisien: Témoinage sur l'autonomie et la pluralité du mouvement des femmes (1979-1989).* Tunis: Chama Editions, 1993.

Info CREDIF: Revue du centre de recherche; d'études, de documentation et d'information sur la femme, 5 (Août 1994).

Marzouki, Ilhem. *Le Mouvement des femmes en Tunisie au XXème siècle: Féminisme et politique.* Cerès Productions, 1993.

Mères échos: Spécial fête de la femme 13 Août, 9 (Août 1994), Révue periodique éditée par le Mouvement mondiale des mères-Tunisia.

Le Nouvel Observateur: L'Islam et les Femmes (22-28 Septembre 1994), 4-14.

Tunisiennes en devenir: 1. Comment les Femmes Vivent. AFTURD Ouvrage Collectif. Tunis: Cérès Productions, 1992.

Tunisiennes en devenir: 2. La Moitié Entière. AFTURD Ouvrage Collectif. Tunis: Cérès Productions, 1992.

Women of Tunisia: Directory of Women's Organizations and Associations. Tunis: Secretariat of State to the Prime Minister in charge of Women and Family Affairs (March 1993).

B. Proceedings:

Freedman, Lynn P. *Women and the Law in Asia and the Near East.* Prepared for the U.S. Agency for International Development Conference: "Women, Economic Growth and Demographic Change in Asia; the Near East and Eastern Europe, Washington, D.C. (May 14-15, 1991).

The Legal Status of Women in the New Independent States: "Summary Chapter: Background qnd Implications for the USAID NIS Task Force." G/R&D/WID GENESYS Project.

Proceedings of the Colloquium on Rwanda Women in Aquaculture (February 1992), Kigembe Station, Rwanda. WID, Oregon State University, Corvallis, OR.

Regional NGO Workshop Promoting Women's Participation in Governance. Conducted by AMIDEAST (April 22-25, 1994), Dead Sea, Jordan.

Reproductive Health and Justice International Women's Health Conference, Rio de Janeiro, Brazil (January 24-28, 1994).

Woman Status in the Legislation of the Republic of Yemen, seminar held in Sana'a, Yemen (1993).

Wurth, Anna. *The Legal Status of Women in Yemen,* a report Submitted to CID/WID, Arizona, March 1994.

2. METHODOLOGY:

In the body of the Report, I explain in detail the methodology used to facilitate communication, conduct business and archive materials.

3. SCOPE OF WORK / RESPONSIBILITIES:

1. Supervise Annette Sherry in activities related to conference organization.

2. Negotiate directly with service providers in Tunis.

3. Consult with UNFT, NGOs, and USAID/Tunisia representatives

4. Working with CID/WID, USAID, and UNFT, will design conference, invite participants from Tunisia, Morocco, Egypt, Yemen and other countries of the Near East region, and determine the contributions of the participants.

4. LIST OF KEY CONTACTS:

A.TUNISIA

1. USAID:

Mohamad Ali Hassairi, Program Officer, USAID/Tunis.
Phone: 784-300. Fax: 783-350.

2. UNFT:

Radhia Riza, Vice President, UNFT (561-845);
Ministry of Social Affairs (262-304).

Hana Ben Youssef, member of UNFT (260-181; fax: 567-131);
French Instructor, University of Tunis at La Manouba.

Khadija El Madani, member of UNFT;
Lawyer (341-067; fax: 335-821);
President of the Association of Women Jurists.

3. KRM International:

A. Karim Hamdy, Consulting Engineer:
Logistics and Translation: English/French/Arabic.
(Phone/Fax: 233-703).

B. EGYPT

1. USAID:

Aziza Helmi, WID Officer, USAID-Cairo
Phone: 202-355

2. RESEARCHER:

Sawsan El Messiri
Phone: 202-348-2376
Fax: 202-360-0574

C. MOROCCO

1. USAID:

Wafa Moussa, WID Officer, USAID-Rabat
Phone: 212-7-762-265
Fax: 212-7-707-930

2. RESEARCHER:

Ferida Bennani
Phone: 212-4-306-467
Fax: 212-4-391-177

D. YEMEN

1. USAID:

Joyce Davidson and Ferial Sulaili, WID Officers, USAID-Sana'a
Phone: 967-1-231-213
Fax: 967-1-251-578

2. RESEARCHER:

Asma Al-Basha
Phone: 967-1-250-106
Fax: 967-1-251-953

E. USAID (Non-Report Countries):

1. Rabeha Dabbas, USAID-Amman, Jordan
Phone: 962-6-820-101
Fax: 962-6-820-163
2. Ghassan Jamous; USAID-Beirut, Lebanon
Phone: 961-4-1774
Fax: 961-1407-115
3. Mark Pickett, USAID-Muscat, Oman
Phone: 968-703-000
Fax: 968-797-778
4. Karen Turner, USAID-Jerusalem
Fax: 972-2-259-484

Goals and Principal Activities:

1) This unit specializes in granting a one year diploma in advanced studies, which takes one academic year, and a master's degree of two years.
2) This unit works on improving the role of women in Yemeni society by providing human resources qualified in social research and studies regarding women and their development. In addition, it provides information and analyses in relation to women's roles to help political decision-makers to improve women's roles and status.
3) It contributes to all research efforts and scientific forums dealing with men and women from the perspective of gender, and makes information available and contributes to the preparation of funding proposals as needed. It also organizes conferences to document and disseminate research findings and to guarantee the sharing of information.
4) This unit focuses on making available resources, references, research reports and studies on women in general, and on Yemeni women in particular, in order to facilitate scientific research. In this context SRWSU strives to become a specialized research center in all matters dealing with women. Researchers have the right to submit their research projects to this unit which may provide support to projects which have already been approved by the academic committee.

Achievements:

1) Completion of a documentation structure, including the organization and indexing of books and periodicals.
2) Teaching of the high diploma and Master's Program in Women's Studies, in addition to scientific research and documentation.
3) Interaction with scientific sister institutions around the world.
4) Sponsoring of conferences and panels on political development and legal issues of women, and dissemination of related information and special reports.

5) Participation in conferences and conventions about women.

Difficulties and Constraints:

At present, there are no financial problems, thanks to the Dutch project funding. But the risk is the feared unavailability of funding after the expiration of the two years. There is also a problem with efficient workspace and the inadequate location of the library which is housed within the same space as the unit which functions as its administration.

Address: The Social Research and Women's Studies Unit (SRWSU)
Faculty of Letters
Old Sanaa University
Sanaa, Republic of Yemen

Tel: 967-1-219-339 or 967-1-219-340

Fax: 967-1-219-341

5.1.6 The Yemeni Human Rights Organization

Definition:

It is an independent organization dealing with human rights and liberties and defending them. It was founded on 10 October 1992. Its headquarters are in Sanaa, and it is striving to open branches in the various provinces of the country. It has within it several specialized departments: Political Rights - Cultural and Social Rights - the Legal Department - External Relations - Branches and Membership Affairs - Department of Women and Children. The number of people who joined this organization has surpassed 20,000.

Department of Women and Children:

This is one of the specialized departments of this organization that deals with women's affairs and their legal issues and works on reinforcing women's roles in society by raising their awareness about their rights, by opposing injustice and oppression, and by helping them with

the problems they face by insisting on all their legal rights. This department has contributed to all the achievements listed above.

Conditions of Membership:

-Yemeni citizenship

-18 years of age or older

-Agreement with the political organization

-Presentation of a membership request and payment of fees

-Not having been found guilty of a crime relating to the violation of human rights and liberties

-Being sponsored by 2 members of the organization.

Goals and Fields of Activity:

1) Reinforcement of the principle of equality in rights and responsibilities and in benefitting from public services;
2) Independence and modernization of the judiciary, and the development of police prosecution and courts in order to protect human rights of men and women;
3) Concern with human affairs in order to guarantee all rights, as well as raising of awareness about human rights and liberties through reserach, conferences and conventions;
4) Contribution to the drafting and amendment of laws dealing with human rights; opposition to violations of human rights and the maintenance of human dignity; opposition to control, imprisonment and search and seizure; guaranteeing of the integrity of the body, property and custom; combatting vengence and terrorism; and seeking of prison reform and good treatment of prisoners.

Achievements:

1) Visits to jails in 1993-94 in order to assess the conditions of prisoners, male, female and youth;

2) Preparation of reports on the conditions and problems of prisoners;
3) Providing for the provision of food and other types of assistance;
4) Acting to defend and free a number of prisoners in all provinces of the country;
5) Coordination with other specialized institutions and charity associations to provide assistance;
6) Organization and equipping of teams of volunteers and other task forces during the war to care for the wounded and to provide some basic needs;
7) Organization of branches in many provinces;
8) Contribution to health services through the constitution of special medical teams for rescue and assistance, in coordination with the students of the medical school;
9) Participation in a number meetings, conventions, and conferences in Yemen, in the Arab region and other parts of the world;
10) Design of a special project dealing with war victims among civilians and soldiers;
11) Granting of legal advice and assistance to women to solve their juridical problems.

Constraints and Difficulties:

1) This organization faces a number of constraints, the principal one being financial, for it is a recent organization and is independent, relying on private resources coming form registration and monthly membership fees. At times it receives non-governmental, local donations and some contributions from outside Yemen. These resources cannot, however, meet the needs of this organization as it strives to expand its presence by the opening of many branches in order to activate and deepen participation.
2) Also, the administrative and organizational structures need to be reviewed. Specialized staff is lacking to conduct necessary work because of financial limitations and because of relying totally on men and women volunteers.

Address: P.O. Box 12410
Sanaa, Republic of Yemen

Tel: 203-783

Fax: 211-437

5.1.7 National Committee for the Preparation of the Fourth International Women's Conference:

Constitution of Committee:

Decree N° 61, issued in 1994 by the President of the Ministers' Cabinet, established this committee to prepare for the Fourth International Women's Conference which will be held in Beijing in September 1995. This committee has 23 women members from the various Ministries, public institutions and administrations, from the Parliament, from some NGOs and from political parties. The appointment of these members was based on the criterion of high qualification, long experience, and ability to make decisions at the political, economic and social levels. The missions of this committee were defined as follows:

1) Preparation of a National Report especially for the Fourth International Women's Conference;
2) Identification of the changes which happened in the status of Yemeni women, after the Nairobi Conference of 1985;
3) Identification of the goals and strategies related to the National Report in the form of an action plan for the future;
4) The use of statistics and quantified indicators as a basis for the analysis of the changes and of the current situation;
5) Constitution of the offical delegation that will represent Yemen at the Beijing Conference.

Sources of Funding:

1) A special budget was created by the government to manage the functioning of this committee and the implementation of its mission;

2) The committee, in coordination with international funding institutions, submits proposals for funding, for example, the United Nations Development Program provided financial and technical assistance to this committee through the Yemeni Ministry of Planning and Development to support the drafting of the report.

Achievements:

1) Although this committee was established only a few months ago, it has already organized and held numerous meetings and forums to design its plan of action.
2) Subcomittees have been constituted for information, financial matters, and for administration.
3) A number of meetings were held during which the various themes to be covered by the report were assigned to the different committee members, according to their fields of expertise.
4) The National Report has been completed, after lengthy efforts to collect data, statistics and information about women's issues, including field work in a number of the provinces of the country.
5) The report was presented for discussion and debate at a special conference attended by experts from Ministries, Government Administration, NGOs, associations and political parties.
6) The committee has launched an awareness campaign about women's rights and responsibilities and has compiled a coherent, strategic information plan for the inclusion of women in the development effort, and to make them aware of their rights.

Difficulties and Constraints:

1) The committee needs a permanent now that it has become itself permanant and no ad hoc. It also needs office equipment and furniture.

2) There is a need to draft and issue executive by-laws for its functioning to achieve its tasks and missions.

3) Some of the members of this committee should devote their full time to it.

4) Financial means of this committee are limited. A more adequate budget is necessary, and more support from interational donor organizations should be secured.

Address: P.O. Box 11844
Information Ministry
Sanaa, Republic of Yemen

Tel: 274-003

Fax: 282-051

5.2: Foreign Organizations and Institutions Supporting Women's Legal Issues

In the last few years, a number of foreign organizations and institutions have started supporting projects which include components related to women's awareness of their legal and political rights, among them:

5.2.1 United Nations Development Program (UNDP):

Through its population activities fund, this program supported the "Women and Development Project." The goal of this project is to train and support Yemeni women and to include them in the development effort. It also supports women leaders and trains them to develop their abilities. The program helped organize legal and legislative conferences. In addition, UNICEF provided support to care for mothers and children through several extension and training projects dealing with health and literary, and targeting women and children. The United Nations has also provided financial support for the Yemeni National Report prepared for the Beijing International Conference.

5.2.2 United States Agency for International Development (USAID):

This agency provided funding for a number of studies concerned with Yemeni women's participation in development. It has also helped organize meetings and special sessions about this issue and focused its support on women's acquiring administrative and organizational skills. It also implemented projects about family planning and supported research efforts in the legal field.

5.2.3 The German Organization GTZ:

This organization funded research on: "Women and Development in Yemen," which it published in book form. It is also preparing for a new project about women.

5.2.4 International Development Association (IDA):

This institution is running a number of projects concerned with health, water, education and agriculture. It is clear that women benefit from these projects, either directly or indirectly, through new techniques in agricultural, health and education extension. Some of this institution's efforts focused on women, such as the project in the southern highlands (Ibb and Ta'iz) in conjunction with IFAD, the second health project, and the ninth education project, as well as other projects.

5.2.5 The Government of the Netherlands (the Dutch Development Organization, SNI):

SNI funded studies about the condition of women and provided financial support to women's associations for construction and furniture (in Ta'iz, Hodeida and Ibb). It also implemented a number of other projects benefiting women in Rada'a and Dhamar. And, it is conducting field surveys about women's condition, in addition to supporting several conferences, workshops and seminars dealing with women in the fields of development and law.

Bibliography

Abdul-Aziz, Aisha. *Working Women and Development.* Sanaa: n.p., n.d.

Ahmad, Nuria A. *Women and Development in the Republic of Yemen.* Sanaa: n.p., 1990.

_____. *Yemeni Women and the Issues of Development, Democracy and Modernization.* Sanaa: n.p., n.d.

Al-Aghbari, Badr S. *The Reality of Women's Education in the Republic of Yemen.* Sanaa: n.p., n.d.

Al-Aryani, Ramzia A. *Yemeni Women Pioneers.* Sanaa: n.p., 1990.

Al-Basha, Asma Y. *The Effect of Education and Laws concerning Women on Yemeni Women in the Fields of Work and Administration.* Sanaa:, n.p., 1990a. [in English].

_____. *Lack of Awareness and Commitment to the Rights of Yemeni Women as Defined at the National and International Levels.* Sanaa: n.p., 1994.

_____. *Women: Past and Present.* Sanaa: n.p., 1990b.

Al-Gerafi, Fat'hia. *Research on the Legal Debate to Determine the Awareness of Yemeni Women about their Rights and Responsibilities.* Sanaa: n.p., 1993.

Al-Hamdani, Rashida A. and Abdul-Rahim Radman and Arwa M. Al-Shar'i. *Toward a Safe Strategy for Childhood in the Republic of Yemen.* Sanaa: n.p., n.d.

Al-Houry, Amat. *Family and Childhood.* Sanaa: n.p., 1990.

Al-Huraiby, Fatima A. *Women and Agriculture.* Sanaa: n.p., 1990.

Al-Juma'ee, Shafika. *Democracy, Development and the Role of Labor Unions.*

Al-Khalifi, Nadia S. *How Women are Treated in Courts.* Sanaa: n.p., n.d.

Al-Masiri, Rashida. *The Legal Status of Yemeni Women and their Main Rights.* Sanaa: n.p., 1990.

Al-Mukhlafi, Mohammad. *Yemeni Women's Rights in the Law of Personal Status.* Sanaa: n.p., n.d.

Al-Qabati, Saleem A. *Women, Democracy and Modernization in the Arab World.* Sanaa: n.p., n.d.

Al-Shami, Zayd A. and Ahmad M. Hashem and Mujahid A. Al-Shaab. *Islam and Population.* Sanaa: n.p., n.d.

Al-Sharafi, Ra'oofa H. *Women and Democracy.* Sanaa: n.p., 1993.

_____. *Yemeni Women in the Media and in Legislative Regulations.* Sanaa: n.p., n.d.

Al-Shar'aby, Fawzia H. *Rural Women in Agricultural Development in the Republic of Yemen.* Sanaa: n.p., n.d.

Al-Shawafi, Najiba A.G. *Risk Factors in the Mortality of Mothers in the Northern Provinces.* London: n.p., 1993.

Al-Souwsowa, Amat. *Discrimination in the Field of Participation in Government and in Decision-Making at all Levels.* Sanaa: n.p., 1994.

Barakat, Tayyiba. *Yemeni Women in Political Work.* Sanaa: n.p., 1993.

Fare', Wahbia. *Discrimination in Not Allowing Women to Enter Fields of Education and Health.* Sanaa.

_____. *The Education of Females in Yemeni Society: Developments and Issues.* Sanaa: n.p., n.d.

_____.. *Women's Education and Its Development in the Republic of Yemen.* Sanaa: n.p., 1990.

_____. *Yemeni Women between Law and Practice.* Sanaa: n.p., n.d.

General Administration for Women and Children. *Women and Development.* Sanaa: n.p., n.d.

Ghanem, Azza. *Women's Needs for Psychological and Social Extension.*

Hamad, Amat. *Family Care and Caring for the Health of Mothers and of Children.* Sanaa: n.p., 1990.

Houd, Ali. *Education in the Republic of Yemen.* Sanaa, n.p., 1988.

Manby, Senshiya. *Women and Development.* Sanaa: n.p., 1983.

Mash'hoor, Fatima. *Professional Training for Handicapped Women.* Sanaa: n.p., 1990.

_____. *Some Mechanisms and Programs for Reinforcing the Role of Women.* Sanaa: n.p., 1994.

Ministry of Planning and Development. *Women in Development: Plans and Projects.* Sanaa: 1990.

Ministry of Social Security and Welfare. *Evaluation Report on the Situation of Children in the Republic of Yemen in Light of the Children's Rights Document and the Efforts to Implement It.* Sanaa: n.p., n.d.

_____. *The Role of Social Institutions in Development.* Sanaa: 1990.

Mohammad, Fawzia H. *Discrimination in Not Allowing Women to Enter Fields of Education and Health.* Sanaa: n.p., n.d.

Mujahid, Nura H. *The Role of Women and their Participation in the Economic Infrastructure and in the Productive Effort.* Sanaa: n.p., n.d.

Nooman, Fawzia. *Discrimination in Allowing Women to Enter the Workforce.* Sanaa: n.p., 1994.

_____. *Yemeni Women between Laws and Real Practice.*

Nooman, Fawzia and Fatima Al-Huraiby. *Violence against Women.* Sanaa: n.p., 1994.

Official Newspapers. Published in the Republic of Yemen.

Population Projections and Education in the First Anniversary of Unification. 1991.

Wadi'i, Ahmad. *Women Between Religion and Legislation.* Sanaa: n.p., n.d.

_____. *Women, Democracy and Modernity.* Sanaa: n.p., 1992.

SECTION V

General Report on the Proceedings of the Conference

by Sarra Chaabouni, UNFT

GENERAL REPORT

on the Proceedings of the Conference:

"Women and the Law in the Near East: Legal and Regulatory Constraints to Women's Participation in Development"

Tunis 14-17 December 1994

Translation of the Arabic Report

Written by **Sarra Chaabouni, *UNFT***

Activities of December 14, 1994.

The participating delegations held a breakfast meeting at 7:30.

Around 8:45 the participants departed for the first field visit to the *Center for Arab Women*, where they were greeted by the Center's Director, Ms. Nabila Hamza, who explained to them the goals and action program of the Center.

Then, the delegations visited the *National Center for Reseach, Study, Documentation and Information on Women (CREDIF)* where the Center's Director, Ms. Soukaina Bouraoui, informed them about the role and goals of the Center which was founded three years ago.

In the afternoon, the delegations visited the *Girl's Farm Training Center* located at *M'hamdia*, where Ms. Naima Rokbani, the Center's Director, explained to them the plan of action and the goals of the Center.

Then, the delegations moved on to visit the *Girl's Training Center* located in *Hammam-Lif*, where they met members of the Ben Arous Regional Employment Administration, who presented the Center to them.

Meetings of December 15, 1994.

Ms. Faiza Kefi [President of the *National Union of Tunisian Women, UNFT*] greeted the pariticipants and thanked the organizations who contributed to making this conference possible: the *United States Agency for International Development (USAID)*, the *Consortium for International Development (CID)* and *Women in Development (WID)*, and the staff of *UNFT*.

Ms. Kefi welcomed the Honorable Ms. Neziha Mezhoud, the [Tunisian] Minister of Women and Family Affairs, and the invited guests. She thanked them for accepting the invitation and for working to enrich the dialogue about **"Women and the Law in the Near East: Legal and Regulatory Constraints to Development,"** in order to find common ground for action in the Arab region.

Then, the Hon. Neziha Mezhoud presented the official inauguration speech in which she expressed her happiness at being charged with opening the proceedings of this Conference on **Women, Law and Development**, a topic that has gained great importance at this juncture. She emphasized the need to have an Arab vision, based on a unified strategy, for an approach to Arab women's participation in the development field. Ms. Neziha Mezhoud explained that in spite of the fact that the *United Nations Human Rights Convention* instituted the principle of equality between the sexes, "women remain, in many cases, victims of both blatant and veiled discrimination in most fields of work and aspects of life, suffering from inequality of pay, lack of training, and also scant presence in decision-making positions." She reminded [the participants] of the [Tunisian] President's speech of 13 August 1989, in which he emphasized the idea that it is not possible to talk about women's emancipation unless they have the right to work, for "work is a guarantee for women's psychological well-being and a basic factor allowing them to preserve all their rights as citizens." We have to move from the stage of

asking for equality between the sexes, to the stage of effective partnership in the building of society.

The political choices of the Tunisian government have been expressed through the amendment of Labor Law to eliminate all aspects of discrimination and to help women to cope with the double day between duties at work and responsibilities at home, and through the amendment of the Code of Personal Status to make it possible for women to participate in the management of family affairs. In addition, the government has tried to include rural women in the process through the activities of the National Solidarity Fund 26/26.

After the inaugural speech, the morning session of December 15, 1994, was reserved for two roundtable discussions, in the first of which the Egyptian delegation presented their Country Report, and the Omani delegation presented their comments on it. This was followed by an open discussion. The second roundtable was reserved for the Moroccan Country Report and the response to it by the Lebanese delegation.

*First Roundtable: Egyptian Report - Omani Response

Dr. Sawsan El-Messiri from Egypt presented the Egyptian Country Report and explained that the scope of work was to assess the effect of laws on women's opportunities to contribute to development activities. She divided the principal topics related to this study into six parts.

1) *Legal and Regulatory Constraints to Women's Participation in the Workforce:*
Dr. El-Messiri explained that although there is the constitutional principle of equality between citizens, without gender distinction, legal discrimination is still prevalent, making constitutional texts lose a large part of their efficiency. She noted that while the general orientation of these texts tends toward equality, there are some laws that discriminate between men and women in the area of work, such as:

--the law which bans the employment of women in certain types of work usually done by men, and which require great physical effort, or the special stipulations banning night work for women, for health or for moral reasons;

--the law which allows women to do part-time work for partial pay. This stipulation makes women lose the opportunity for promotion and for reaching decision-making positions. All these examples are based upon sexual discriminination--even those that operate under the guise of protecting women. This opinion is confirmed when we look at Labor Law, Article 92, which does not allow women their right to birth leave unless they have already worked for 10 months--as well as by numerous other Articles which do not grant to women the privileges granted to men. These constraints increase, in practice, as women are allocated fewer opportunities in the areas of hiring, promotion, pay, travel, training and education.

In addition, women do not attain high positions until they reach an advanced age, that is, at the end of their professional careers.

With regard to work in the court system, the position of judge is off-limits to women as a matter of custom, although this ban is not supported by the Constitution or by any other law. We find as well, harrassment at work, and informal, unofficial modes of dealing with women.

Egyptian law does not give the working woman any special guarantees allowing her to travel, particularly if this travel is job-related. Indeed, a wife is required to get her husband's consent to apply for a passport. Such consent, once given, remains valid until the passport expires, after which she is required, once again, to ask permission.

And finally, unemployment [in Egypt] is a pressing problem, and it appears natural, because of tradition, to give work opportunities to men before women. We must not forget, of course, the other difficulties that prevent women from having access to loans and other banking services, although there is no law against this access.

2) *The effect of social customs and traditions on the Law of Personal Status*:

It is generally accepted that laws are based on religious texts. But in reality, this legislation is based upon social conditions and values--including all their manifestations in the form of customs and traditions. This fact is revealed both in the way law is formulated and in the way it is implemented.

Insofar as marriage contracts are concerned, hurdles are numerous, including:

--the wife's right to leave the home is contingent upon the husband's consent, or upon conditions stated by law;

--the wife's right to work, even if she included this right in the marriage contract, is limited by the "best interest" of the family, once the husband expresses any opposition;

--the requirement of obedience, and the husband's right to move the family to a new home because of a change in his work.

In the areas of a woman's right to divorce, there are also many constraints. They include:

--the husband's right to divorce his wife by unilateral decision and without giving cause;

--in the case of a court divorce, the difficulty, on the wife's part, of proving damage according to the rules of evidence as stated in the texts.

The main constraint with regard to inheritance is the fact that in conservative and rural segments of society, women are prevented from inheriting farmland.

3) *The political rights of women in Egypt:*

The legal stipulations of the Constitution have granted women their rights since 1956. The problem, however, lies in the implementation of these political rights. Indeed, women's participation in politics has been marginal, as proven by the fact that the proportion of women in political parties is estimated at 2%.

So, the law is not the hurdle to be overcome in the political field. The basic difficulty is with Egyptian society itself, or with women (their rate of illiteracy which is higher than that among men).

4) *Education in Egypt:*

Although equality between men and women in the field of education has been guaranteed by international conventions and by local legislation, there are several causes that prevent women from effectively exercising this right. Among these causes we find traditions, customs and conventions which diminish the status of women and discount the importance of educating them.

5) *Reproductive Rights:*

There is no protection for women with regard to their reproductive rights, as population policies have not focussed on health services targeting women.

Following Dr. El-Messiri's presentation of the Egyptian Country Report, the floor was opened for discussion, and participants asked a number of questions, including:

--Does the *hijab* [veil] prevent women from participating in work? The Egyptian delegation responded by pointing out that the *hijab* was not mandatory at work or elsewhere, and women exercised their individual freedom of choice in this matter.

--Is there a legal text preventing women from working without their husbands' consent? The answer to this question was that, according to the laws of personal status, women have the right to work, if they stipulated it in the marriage contract. If it is found that work contradicts the best interests of the family, however, women must quit work. Women have the right to work also if, at the time of marriage, they were already working.

*Second Roundtable: Moroccan Report - Lebanese Response

The second morning session, presided over by the Tunisian delegate, Ms. Emna Aouij, was devoted to the presentation of the Moroccan Country Report by Dr.Farida Bennani. This presentation was followed by a response from the Lebanese delegation, then the floor was opened for discussion.

Dr. Bennani emphasized that the first observation to be made about Moroccan law concerns its contradictory nature: on the one hand, there is its oscillation between discrimination and equality, and on the other hand, there is the contradiction between the Moroccan texts and the international conventions, already ratified by Morocco. She then divided her presentation, focussing on six themes:

1) *The Effect of the Code of Personal Status on Women's Participation in Development: the Social Status of Moroccan Women.*

Dr. Bennani explained that the Code of Personal Status embodies the clearest example of discrimination between the sexes. And this legalized inequity affecting women [within the family] is reflected in their status in the public sphere; for, how can we grant women the right to legislate and to vote, and how are women to occupy positions of power and decision-making, while, at the same time, they have no right to intervene in matters related to their own families? Indeed, wives are legally required to take care of the home, and in reality, to serve their husbands in the home, and at times outside (in the case of farm work, for example).

Based on customs, wives are required to fulfill those duties without compensation. In other words, their compensation for doing this work is their daily sustenance. They do not receive any share of the wealth developed or acquired by the couple during marital life. Hence, wives become, from the legal viewpoint, economically dependent on husbands.

2) *Legal and practical constraints that hamper women's participation in the workforce.*

What is to be noted with regard to married women is that legislation has prevented them from engaging in business and from being hired for pay without their husband's consent, and this means they remain subject to the withdrawal of this consent at at all times. It is also within the husband's right to annul a work contract signed by his wife without his knowledge.

Although in taking care of a home, a wife is being productive, this production is not recognized [by the language of economics] and is not given an economic value.

Hence, it is clear that the status of married women, according to these legal texts, is that of individuals who are not considered adults, who are not allowed to practice any economic activity, nor to participate in the workforce without the authorization of their guardians.

With regard to the laws regulating women's right to work in general:

In principle, there is no discrimination in the law for those entering government service and holding jobs in it, but there is an undeclared discrimination in the assumption that women cannot carry out certain types of jobs . In practice, women rarely reach positions of responsibility and decision-making.

In Labor Law, women have the same rights as men. They are granted this legal protection, but this provision of equality is not embodied in practice in areas such as pay, work assessment, and promotion.

3) *Political Rights of Women.*

Legally, women are equal to men in political rights, but in reality, women's legal rights are not effectively implemented, as they end up being reduced to the mere right to vote. In addition, there is a lack of confidence in women's ability to carry out the responsibilities of public life. Of course, we should not forget that there are laws in which discrimination between the sexes is overt--such as Labor Law and Business Law--as opposed to the guarantees of equality clearly stated in the Constitution.

4) *Women and Education--Toward Emancipation.*

In the Constitution, there is no distinctions between the sexes, but we note that the rate of illiteracy is higher among women than among men, particularly in rural areas where social conditions effectively prevent girls from going to school.

How is it possible, then, for an illiterate woman to exercise her political, economic and social rights?

5) *Women and Family Planning.*

High fertility among women hampers development plans and represents a constraint to economic and social progress; and the only solution is education. As a result of family planning in Morocco, an increase was recorded in the proportion of women using birth control, but the birth rate remains high in rural areas for two reasons: (i) the remoteness of family planning centers; and (ii) the use of children as a free source of manual labor.

6) *Availability of Information on Women's Legal Rights.*

The hurdle of illiteracy is being overcome with the help of associations which organize conferences and activities to raise the awareness of women about their rights. In 1992, a women's organization initiated the demand to amend the Code of Personal Status, through what came to be known as the One-Million-Signature Campaign. On the occasion of International Women's Day, a petition was circulated and signed by one million women and men. In response to this petition, a *fatwa* [religious decree] was issued accusing those who signed of having committed a crime punishable by death.

The King of Morocco gave a speech in which he acknowledged that the Code marginalized the role of women, and emphasized that it is within the women's right to request reforms in the Code of Personal Status. The amendments to this Code, issued in September 1993, fell short of satisfying women's demands, but what is important is that this campaign eliminated the presumed untouchability of this Code.

The formal response made by Dr. Sonia Ibrahim Atiyeh of the Lebanese delegation pointed to a number of facts.

--The laws of personal status are amenable to change once the door is opened for *ijtihad* [legislating by religious interpretation].

--Generally, the economic condition of women is poor, and in order to improve it, new legal provisions are needed, allowing spouses to make choices about the division of wealth. In

addition, it is recommended that the Ministry of Justice establish an institution to provide free legal aid to the poor.

--With regard to the political field and the problem of women's representation, we must face reality, asking whether it is the political parties which hamper the entry of women into their ranks, or women themselves are the ones who refrain from participating.

--In the social field, when legislation is formulated, we have to take into account the prevalent mentalities, so that we insure that our laws will be respected and implemented. In other words, we cannot force Western types of legislation onto our Arab societies, until a careful analysis is made, allowing us to be sure of the degree to which these Western laws are adaptable to Arab societies. In this context, Dr. Atiyeh suggested that children bear both parents' surnames, and thus the children of a daughter would not be denied inheritance in matters of real estate and farmland .

And during discussion, the following points were raised:

--The Jordanian delegation noted that the suggestion that children bear the surnames of both families would lead to numerous problems. The rules of inheritance are based on Koranic texts which cannot be opposed or changed, as there is divine wisdom in them, particularly in that women are not required to support their families. As for the success of women in elections in the Arab world--that success must be backed by conviction.

--The Yemeni delegation explained that laws should be inspired from society itself, and its values, and not from abroad. They also asked, in relation to Moroccan women, how they were able to select attorneys for their defense when they are granted no decision-making power.

--The Tunisian delegation pointed out that, according to the latest amendment [of Tunisian laws] Tunisian women are now required to support their families and thus along with the equal rights women enjoy, they have equal responsibilities. They went on to ask a number of questions:

*How is the obligation of obedience manifested in Morocco?

*Under what conditions are children under 16 hired to work?

*What are the causes which justify asking for divorce in Morocco, and are these causes related only to women, or to both men and women?

--The Egyptian delegation stated that the question of inheritance has to be addressed in accordance to the rules of Islamic *Sharia*. They then asked some questions:

*What is the situation with regard to women's reproductive rights in Morocco?

*What is the impact of the husband's right to annul the wife's work contract?

*Is a wife who did not set the right to dispose of her own wealth, as a condition in the marriage contract; not allowed access to her wealth?

--The Lebanese delegation responded by saying that women are intentionally prevented through abuse of legal loopholes, from inheriting real estate property. And, in order to correct this psychological problem represented by the intent on the part of families to keep real estate wealth within the father's line, this delegation suggested that children bear surnames of both families.

--The Moroccan delegation pointed to the problem of guardianship of children by women being limited to the cases of widowhood, or of a husband's becoming legally incompetent; The delegation suggested that guardianship should be transferred to the woman in the case of divorce also.

With regard to the causes of divorce, the Moroccan delegation answered that they are specially related to women, but it is impossible for women to provide evidence for these causes, as opposed to the fact that a husband is entitled to divorce his wife after her appearance in front of the divorce signing council, without her having the right to an opinion on the matter.
It appears then that based on the Code of Personal Status, Moroccan women do not enjoy legal adult status. No matter what a woman's age is, she remains, in the eyes of the law, a minor; her sustenance is her father's duty before her marriage, and it becomes her husband's after marriage. A woman cannot get married of her own volition, even if she is an adult, except in the case of adult, orphan women.

We should not forget also that Moroccan women cannot engage in business without the consent of the husband. If the husband has not consented, he has the right to annul the [business] contract.. Looking at the political field, we find it is the woman's right to vote and be a candidate. At the very same time, she does not have the right to leave the home to work. This means that an unmarried girl is allowed to work, but upon getting married, she has to set conditionsin the marriage contract, stating that she has the right to work after marriage. With regard to obedience, the Moroccan delegation noted that it means, in essence, slavery: the wife may choose to obey her husband of her own volition, and in that sense, it is different from the practice in Egypt where obedience means the wife is required to stay in the home. Concerning reproductive rights, there is no problem in Morocco. And finally, it is within the rights of Moroccan women to manage their own finances--a right that is legitimate in view of Islamic teachings which do not prevent women from engaging in business, although the *Maliki madh'hab* [Islamic school of jurisprudence] requires the husband's consent.

The afternoon session of Thursday, December 15, was devoted to Roundtable discussions on the Country Reports from Tunisia and Yemen, with responses, respectively, given by the Palestinian and Jordanian delegations. The Tunisian Roundtable was chaired by Jordan.

*Third Roundtable Tunisian Report - Palestinian Response

Ms. Khadija Madani presented Tunisia's Country Report, and illustrated in particular the pioneering laws in Tunisia, which reinforce the principles of equality and of adaption to social change, encouraging non-discrimination between the sexes. And she emphasized the intention of Tunisia's President to bolster these principles both at the national and international levels. On the legal level, all hurdles facing Tunisian women have been overcome, but in practice, there remain mentalities and traditions which present obstacles to women's progress and their contribution to development.

In the field of work, the 1966 Labor Law stipulated clearly the principle of equality between men and women; and legislation was also improved with the addition of Section 5a in 1993, to emphasize equality.

One has to point out that in some instances there are forms of discrimination between genders in women's favor-- for example, special measures concerning pregnancy, the right to a birth leave of 30 days, and being granted a birth stipend in the private sector. In the public sector, on the other hand, women get a sixty-day birth leave with full pay, and a four-month maternity leave with half pay. They also get one hour daily leave for breast-feeding, for nine months after delivery. Labor Law has also stipulated that adequate breast-feeding spaces have to be provided in every institution employing 50 or more women. This stipulation, however, has not been implemented yet, due to its cost. Labor Law has also protected women from heavy work. It should also be noted that there is [no] legal text limiting women's travel in the context of their jobs. And there is no discrimination between men and women, with regard to government service, as the selection of applicants for jobs is done through official examinations. In the informal sector, women do not enjoy legal rights.

With regard to ownership of property and to the obtaining of loans, there is no text limiting women's competence to enter into contracts, to sell, to buy, to borrow, or to make transactions with financial institutions. And, with regard to the laws of personal status, Tunisia is considered to be the only country [in the Arab world] which instituted a just law. Indeed, since 1956, the Code of Personal Status has institutionalized the principles of fairness and mutual consultation between men and women. The laws of this Code have continued to evolve with the demands of social development. The most important amendment was implemented in July 1993. Tunisian law stipulated, among other things, a woman's freedom to choose her husband, and to sign her own marriage contract, based on her own volition and consent. Legislation has set the minimum age for marriage at 17 for women and 20 for men.

The law has also eliminated the "duty of obedience" because of its abuse by men. In addition, the Code of Personal Status stipulates that the husband does not have a say over the wife's income, and it grants equality in the right to ask for divorce. Provisions for custody were formulated with the "best interest" of children, regardless of age. The establishment of a special Family Support Fund is unique and is a great achievement for Tunisian women, as it represents a guarantee that the family will be supported. Concerning procedures in court, women's testimony bears the same weight as men's.

In the area of political rights, the election code, and the law governing political parties, are established on the principle of equality. Tunisia has ratified International Human Rights Conventions, but positions occupied by women fall short of expectations, as is the case in all countries of the world. Women in Tunisia have assumed a number of high positions in government, and a special commission on women and development, has been established to prepare the Eighth [Development] Plan, and to conduct research in all fields related to development and women's participation in it.

In the field of education, schooling is free and mandatory, and the image of women in school text books has been changed.

Tunisian legislation has established formal structural entities, including a program to take care of mothers and children, to help with family planning, and to make abortion available and safe. The proportion of women using birth control has increased.

Women in Tunisia have received the lion's share in matters of extension and information, through the broadcasting on radio and television of legal programs, in addition to special features on legal matters in *Woman Magazine*, explaining laws and clarifying them.

In summary, Tunisian women enjoy full rights on the legal level, but there are some shortcomings in practice, which we are in the process of redressing.

[In response to Tunisia's report,] the Palestinian delegation emphasized that the State of Palestine is subject to sets of laws from different sources--a hodgepodge, as it were. The West Bank is subject to Jordanian law, while the Gaza strip is subject to a mixture of laws dictated by political conditions, and by legacies left by the various colonizing powers--for example, British colonial law and Consitutional Decrees.

The principle of equality between men and women is constitutional and legal, and is stipulated by all consitutions and laws in Palestine.

Insofar as work is concerned, there is no distinction made between men and women, but in real practice, Palestinian women have not yet gained their rights. Ms. Fatima Mokhalalati praised Tunisian law, and suggested setting up a sister country arrangement on all levels.

All the members of the Palestinian delegation emphasized the importance of the Tunisian experience in this area. Their questions were related mainly to the non-respect of legal provisions in informal and marginal sectors. They also suggested calling on the Tunisian government to adopt policies of affirmative action, leading to the appointment of women to high positions in the fields of education, work and social welfare. Regarding programs overseen by UNFT, such as training and extension programs to raise awareness, there is a need to include special initiatives to raise the level of training of women students and of girls, in order to improve the awareness of Tunisian women in general. Concerning housing, a suggestion was made that coordination between the various ministries should be applied in order to solve the health problems faced by women, particularly in rural areas. Questions were raised about the reasons for Tunisia's being the only "advanced" country among the Arab nations.

In the following discussion, dealing with establishing an Arab plan of action to develop women's work and to eliminate discrimination against them, Ms. Houda Kanoun emphasized

that Tunisia had always based its actions on legislation, and that women's issues had drawn the attention of reformers since the beginning of the century. There is more than one meaning to the issuing the Code of Personal Status in 1956, before the declaration of the Republic, and before the drafting of the Constitution. Theologians were included in the drafting of the laws of the Code to avoid contradictions with Islamic teachings. Instituting mandatory education contributed to the evolution of laws, and Presidential policies to develop the rights of women and families are a clear indication of the attention given Tunisian women. So now, women have only to work on implementing what has been stated by law in their favor.

--The inquiries of the Moroccan delegation touched on the following topics:

*What is the role of Tunisian women's associations and the role of the law in changing mentalities, given that legal texts are in advance of reality?

*What is the degree of effective equality between men and women in terms of taking care of the household?

*What are, then, the obstacles that limit women's participation in development?

*What are the reasons for continuing to ask for women's rights in the field of work?

*Does Labor Law protect all categories of working women in marginal sectors, and do these women workers have the right to social security and membership in labor unions?

*What is the proportion of women's present in advanced technical fields?

*What about wealth acquired during marital life--is it shared by the spouses?

--The Egyptian delegation inquired about Tunisia's ratification of the International Convention for the Elimination of all Forms of Discrimination against Women [the Copenhagen Convention] and about the number of women holding public office:

*Does Tunisia's ratification concern all the stipulations of this International Convention, or only some of them?

*How does one explain the discrepancy between the scant presence of women in political office and the advanced nature of existing legal texts?

--An observation was made that the situation in Tunisia proves that the hurdle is not the law *per se* but real practice. Although the law has evolved more in Tunisia than in other countries, practice has not completely changed, and discrimination still exists. Inquiries were made about whether change was brought about by the women's movement, or rather by the political leadership, and about whether uneducated, rural women in Tunisia have the right to banking services, including loans.

--The Yemeni delegation asked the following questions concerning the issue of financial support in the case of divorce:

*Is it only the father's responsibility, or does the mother share in the responsibility, including when she has custody of the children?

This delegation noted that "equality does not mean transferring men's privileges to women."

The Yemeni delegation also made inquiries about the issue of polygamy and whether there are exceptions to [legal provisions], and about child and spousal support (is it withheld from the man's salary by the Family Support Fund? How is this procedure implemented?).

The Tunisian delegation responded to these inquiries:

Tunisian women are required to contribute to family support. If a wife has income, she is legally required to participate. In the case of divorce, the father is required to pay support, because he is responsible for the children who are in the custody of the mother. Custody is granted to the parent who is more qualified, taking into consideration the interest of the children, regardless of their age. The duty of obedience was eliminated because it was misunderstood and abused by some men. There is no exception concerning [banning] polygamy, and monogamy has become quite normal in Tunisia. The law stipulates that

polygamy is punishable by imprisonment. With regard to the Copenhagen Convention, Tunisia ratified it with a reservation about Article 16.

Rural women [in Tunisia] have access to bank loans just like urban women, without any restriction, as illustrated by the *Food and Agriculture Organization*'s [*FAO*] reports. Indeed, after field visits in Tunisia, FAO investigators confirmed that Tunisian women, once they are adults, have access to property ownership and to bank loans; their testimony in court is given the same weight as men's.

With regard to domestic work, the Code of Obligations and Contracts addressed the mode of payment for it. Women workers rely on general laws to claim all payment due them, and Insurance Law provides for coverage of domestic workers.

In her intervention, Ms. Faiza Kefi [President of *UNFT*] emphasized that reality requires more action and work, and that law is a basic and important premise if we want to change a situation. Such change cannot be achieved in reality without struggles and political will, and we are lucky that both exist in Tunisia. Tunisia did not limit itself to the laws of 1956 but worked on their updating. As to methods of measuring economic activity, Ms. Kefi noted that they vary from one country to another--for example, there is no adequate measure of the informal sector. She went on to add that among the recent requests made by Tunisian women at Parliament, in the context of the debate over the government's budget currently going on, is the request to appoint women to the position of Province Governor. Ms. Kefi expressed her interest in exchanging experiences with regard to the condition of rural women, such as literacy programs. She also confirmed that the level of legal awareness on the part of Tunisian women is not adequate, and it is the role of women's organizations to eliminate legal illiteracy in the ranks of Tunisian women.

Adding to their response to the Tunisian Country Report, the Palestinian delegation noted that the "law" is not a magic solution to solving women's problems, but what counts is social

recognition of women--as is the case in Tunisia. Tunisian women need to use this recognition to their benefit, along with the political will evidenced at the highest levels.

*Fourth Roundtable Yemeni Report - Jordanian Response

The fourth roundtable, held on Thursday afternoon, 15 December 1994, was devoted to the presentation of the Yemeni Country Report, and to a response from the Jordanian delegation. This roundtable was chaired by Morocco.

Dr. Asma Al-Basha divided her research work into five sections which dealt with a variety of themes, explaining the constraints faced by Yemeni women, and also the positive developments regarding the acquisition of rights.

Dr. Al-Basha explained that awareness is the most important step for preserving rights and fulfilling duties, but the principal difficulty is illiteracy in both urban and rural areas. It is the direct cause of legal illiteracy, in spite of the government's efforts. Educational efforts [in Yemen] started late, in the 50s, and today the illiteracy rate is 32% among males and 78% among females--though there are some positive developments in this area now. Due to marriage at an early age and the non-enforcement of mandatory schooling, in spite of the stipulations of law, illiterary is still widespread among girls.

In relation to women's work, and the rights and privileges related to it, labor law has evolved toward non-discrimination between women and men in the areas of salaries, fringe benefits and compensation. While Yemeni law, dealing with employment in government service, grants pregnant women several privileges, labor law does not. Usually, women stay on the lower rungs of the employment ladder. In addition, customs and traditions prevent women from working, even when they reach advanced levels of education. The proportion of women doing unskilled labor, not requiring advanced formal education, is high.

Women have the right to buy and sell, and the law sets age of maturity at 15, by which time men and women are allowed to sign contracts. Dr. Al-Basha stressed that customs and traditions represent the greatest obstacle to women's participation in development. Concerning the freedom of movement, women have the right to buy and drive cars, but in the matter of travel within the country or abroad, Yemeni women are confronted with major obstacles--both in the realm of work and education, if they are not accompanied by a male guardian. The *sharshaf* [veil] is not mandated by the government, but is required by custom and tradition--and it does not hamper women's progress. Yemeni women still experience some forms of harassment at work, as is the case in most Arab countries, where men still view women as inferior. The presidential decrees of 1992 instituted progressive laws such as marriage contracts.

Women suffer, in many cases, from men's control of women's property, due to the fact that women are raised to feel weak and inferior. Women have the right to work without their husbands' consent, but do not in reality. And this again is linked to the inculcation of beliefs about women's weakness and inferiority. Dr. Al-Basha pointed out, however, that for laws to be more efficient, they have to take into consideration custom and tradition.

In the question of housing when a marital relationship is terminated, women have been requesting the addition of a number of provisions to the law. Women have the right to annul marriage contracts through the courts. In Yemen, there is no stigma attached to divorce, in contrast to some Arab countries. Women in Yemen can rebuild their lives and remarry. Inheritance is decided according to the Islamic *Sharia*.

The Unity Constitution of 21 May 1992 emphasized equality between women and men, including women's right to hold political party positions, elected and political office, and to be members of Parliament. The government has also taken a number of measures to raise awareness [about these rights], but women's opportunities for training, skill-building and

advanced education are lacking. And we note women's scant presence in public life in general, and in decision-making centers.

The prevalence of backward customs makes women refrain from running for high office; and the written and broadcast media are failing to disseminate legal information, and this hampers women's contribution to the course of development.

In response to the Yemeni Country Report, the Honorable Na'ela Al-Rashdan, from Jordan, stressed the fact that the promotion of Yemeni women has started only [with the promulgation of the Constitution] on 21 May 1992; thus, there is a need for more work and efforts, particularly to combat illiteracy, to expand schooling opportunities which are limited by lack of schools in remote areas, and by marriage at an early age. Concerning the condition in Jordan, the Hon. Al-Rashdan explained that the Jordanian Constitution stipulates equality. Education and training programs were developed by volunteer organizations to allow women to learn skills. The problem of higher illiteracy among females in comparison to males is still there, however. The law of employment in government service has given rights and privileges to women that are not extended to men. The fact that Jordanian women have not reached high positions at work is due to early marriage, child bearing, and early retirement--which is at times mandatory. In addition, the lack respect, on the part of employers, of legal texts relating to women is a real problem.

Breast-feeding space is mandatory in businesses where there are more than 20 women workers. What hampers women, in their efforts to reach decision-making centers such as the Parliament, is the influence that men hold over them.

According to the Jordanian delegation, women would be able to overcome the above-mentioned constraints by intensifying information campaigns. In order to raise women's awareness and to convince them to run for political office, women themselves have to be convinced not to vote for men who do not support women. It was also observed that the

Yemeni delegation did not specify the extent of women's participation in associations and labor unions.

--During the discussion, the Palestinian delegation noted that the minimum age for marriage set at 15 should be respected in practice. A question was raised about women attorneys working in government or *Sharia* courts, as there is indeed a difference between these courts in Palestine. A Palestinian woman attorney does not have the right to deal with certain sensitive *Sharia* questions. It was noted that there is a difference between positions of leadership and that of judge, in Islam, as far as women are concerned.

--A Moroccan delegate inquired about the right of Yemeni women to divorce.

--The Egyptian delegation inquired about the position of the law with regard to the use of drugs, and about the degree of acceptance in Yemeni society of women's work.

--The Tunisian delegation asked about the issue of the virgin's tacit consent and the non-virgin's verbal consent.

The Yemeni delegation responded that, while in the case of girls between the ages of 10 and 15, their guardians have the right to authorize marriage, Yemeni women are against marriage under age, for health and household responsibility reasons. This example confirms the contradictions experienced by women. In relation to employment in government service, the Ministry of Justice has not appointed any women to the position of judge, and the President of the Republic expressed surprise at this fact, and ordered the the review list of candidates for the position of judge. Women have the right to terminate a marriage contract through the courts. The drug problem is considered to be imported and not inherent to Yemeni society, and takes a large part of men's time; on the other hand, there is a product [*qat*] that is a stimulant, but not a drug. The Yemeni delegation pointed out that the struggles of Yemeni women started in the1960s in the northern provinces, and in the1940s in the southern

provinces. In addition, illiteracy about the law is a problem that is prevalent in all Arab countries. Finally, this delegation insisted that Yemen is an unpolluted society, respecting its values and traditions, as opposed to many Arab countries.

The session was closed at 7:45 pm.

Activities of December 16, 1994.

Delegations were divided into four groups to insure efficient participation in the scheduled workshops, designed for in-depth discussion and study of four agreed upon special topics:

1) The effect of the Code of Personal Status on women's participation in development.
2) Laws effecting women's participation in economic activity.
3) Constraints preventing women from participation in politics and decision-making.
4) Women's education and its effect on their participation in the economic field.

Minutes of the above-mentioned workshops will be appended to this report.

SECTION VI

Tunis Declaration

THE TUNIS DECLARATION
(Draft)

We the Arab women participants in the conference Women and the Law in the Near East, December 14-17, 1994,

--Believing in the necessity of the active participation of Arab women in the development of their society,

--Being aware of the necessity to develop the laws to conform to social changes and international organizations,

--And concerned with confronting the obstacles that restrict the participation of women in development, among the most important are norms, traditions, and laws that support discrimination between the sexes, all kinds of extremism, the absence of political will, and the limited influence of civil society in most of the Arab countries.

We recommend the following:

I. In the sphere of personal status,

1. Place family law on the principle of equality and justice to guarantee the honor of women.

2. Raise the age of marriage and apply penalties for breaking the law.

3. Abolish women's guardianship in marriage.

4. Equality of husband and wife in rights and obligations and abolution of rules that bind the right to work and movement.

5. Recognition of the importance of women's production at home and guarantee of their sharing in the profits of their economic participation during marriage.

6. Guarantee of women's right to alimony and a home and reparations for harm done because of the divorce.

7. Guarantee of both parents' right to child custody.

8. Guarantee of women's participation in committees that study and change personal status laws.

II. In the sphere of women's participation in economic development.

1. Call on the Arab countries who have not done so to ratify international convention regarding women and children.

2. Open training opportunities to females on equal footing with males, especially in non traditional activities and economic projects.

3. Support and finance women's organizations concerned with the education and training of women, especially in non traditional activities and economic projects.

4. Attend to women's and children's health and support research and services in this area.

5. Help with support services to working women, such as day care and clubs for young people.

6. Provide continuous training for women to facilitate their inclusion in economic activity.

7. Increase women's awareness in the area of family planning.

8. Amend legislation and regulations that limit women's participation in development and remove the gap between law and its implementation.

9. Remove obstacles that stand in the way of women's participation in development, such as restrictions to travel or work in commerce.

10. Facilitate and encourage women's efforts to start business, such as the provision of loans.

11. Work on the inclusion of women in various professions, labor unions and administrative councils, and their participation in committees in charge of making appointments, promotions, and training.

12. Study the consequences of structural economic changes and whether these have adverse effects on women.

13. Help women to participate and benefit from rural development projects and the gaining of technology and ownership of means of production.

14. Pay attention to qualifications not sex when making appointments and provide for penalties for discrimination against women.

15. Help women become aware of their employment rights through educational programs and use of various media means.

16. Review labor laws to guarantee equality of the sexes.

17. Incorporate the informal sector into labor lalw in regard to all rights and privileges.

III. In the sphere of educational policy,

1. A comprehensive approach to illiteracy that gathers the efforts of various governmental and non governmental organizations concerned with women.

2. The expansion of the meaning of illiteracy to include cultural, health, political, social, and legal aspects.

3. A program to target families to increase awareness of the need for female education, the expansion of rural education, and financial support of education of children in poor families.

4. Mandatory education in countries that do not have that law and implementing penalties for breaking the law.

5. Prohibit the employment of youth prior to finishing their basic education and the provision of penalties for disobedience to the law.

6. Review of all educational curriculum for materials that discriminate on the basis of gender.

7. Incorporation of the principles of human rights and democrary in the educational curriculum.

8. Development of vocational programs that guard against gender discrimination and provide equal opportunities.

9. Treatment of the problem of girl's leaving school early.

10. Provision of the necessary means to make it possible for rural women to participate in literacy programs.

11. Better training of those in charge of literacy centers and getting help from various media.

IV. In the sphere of political work.

1. Development of electoral alws to increase the numbers of women in representative bodies, in a gradual manner.

2. Amend the laws to guarantee equality in the practice of political rights, as guaranteed by constitutions.

3. Assure that women participate in making governmental policies and their implementation at all levels.

4. (women's) Participation in the membership of organizations, foundations, local councils and various administrative bodies.

5. Work on increasing awareness of the importance of women's political action same as the

men's, and the utilization of media sources for this purpose.

6. Educating women to prepare them to actively participate in political parties, syndicates and non governmental organizations.

7. Practice of political rights and obligations in an active way in the process of democratization, and encourage women to practice their right to nomination and voting in local councils in towns and villages.

8. Activate women's organizations and foundations to become a pressure group backing women who are nominated and to support their campaigns financially.

9. Make the public ingeneral and women in particular aware of the importance of the role of women in political work.

10. Encourage political will to support the presence of women in centers of decision making, in the political and higher administration arenas, in the diplomatic field, and in representing their country in international conferences.

11. Call on international organizations to provide opportunities for Arab women to work in their various organizations so as to increase their ability to affect decisions.

In conclusion, we recognize the level of awareness that Arab women reached in their struggle for an Arab society that is healthy and balanced and supportive of women's rights and their ability to share in a comprehensive and continued development.

We also note with favor the gains achieved for our sisters, the Tunisian women, and commend the political will of president Ben Ali who seeks to reinforce Tunisian women's gains and to support their continuation.

APPENDIX A

Scopes of Work

May 6, 1994

WOMEN, LAW AND DEVELOPMENT IN THE NEAR EAST: DIFFERENTIAL ACCESS, CONSTRAINTS AND OPPORTUNITIES

Identification # AMD-PDC-1135-05

SCOPE OF WORK

Prioritized for Implementation Purposes

I. Summary

This is a research and public information activity that addresses the legal systems affecting women's participation in economic, political, and human resources development in selected Near Eastern countries.

II. Background

The constraints to women's participation in and benefits from development activities are both legal and customary. Women's legal status is not necessarily the main obstacle to their participation in social. economic, and political systems in the Near Eastern countries. In most instances, de facto, rather than de jure discrimination against women in education, employment and other matters is the main problem. For instance, despite a woman's rights to inherit and own property in her own right, and to sign legal documents, women are often deprived of their property rights and not allowed to enter into contractual agreement without the consent of a male family member. There are also many instances where the laws discriminate against women and limit their access to resources. Hence this activity will assess the extent to which the laws affect women's opportunities in education, employment, and participation in government (national elections and municipal governments).

III. Objectives

The objectives of this research and public information activity are:

a) To examine the laws affecting women in selected Near Eastern countries;
b) To highlight the legal challenges facing Near Eastern women as compared to men;
c) To enhance women's legal awareness;
d) To disseminate information about women's legal rights;
e) To achieve better understanding of the legal and other constraints on Near Eastern women's participation in socio-economic and political development;
f) To identify the various organizations--indigenous and foreign--addressing women's legal status in the Near Eastern region.

IV. Areas of Support

The following areas are prioritized for implementation purposes.

1. Research component:

   1.1 A library/field study of the laws and enforcement processes affecting women in the family, education, economy, and political systems of Yemen, Tunisia, Morocco, and Egypt, to include a survey of organizations involved in research, education, or activism related to women's legal status in the Near East region.

2. Dissemination and assessment of research findings:

   2.1 A CID/WID Representative (Anna Wurth) provides background material on women and family law in Yemen, partly drawn from materials from a conference of Yemeni women in Sana'a.

   2.2 One regional conference in Tunis to promote dialogue, strategies and disseminate research findings among women professional and NGOs from various Near East countries.

   The conference will be coordinated with national and regional preparation in the Near East countries for the United Nations World Conference on Women to be held in China in 1995.

V. Duration

These activities will be completed within a period of 9 months of the date of this revised Scope of Work. A detailed timeline will be outlined later by CID/WID.

Descriptions of each activity follow.

1. RESEARCH COMPONENT

A library/field study of the laws and enforcement processes affecting women in the family, education, economy, and political systems of Yemen, Tunisia, Morocco, and Egypt. To include a survey of organizations involved in research, education, or activism related to women's legal status in the Near East region, as represented by Yemen, Tunisia, Morocco, and Egypt.

Duration of position: CID/WID Field Researcher will work in the United States for three weeks, and will travel to Tunisia for one week to attend the conference. A Moroccan, a Tunisian, an Egyptian and a Yemeni Researcher will work in their respective countries to complete the research within two months of the finalization of the contract to begin work.

FR will work in the United States, researching sources available in libraries here that deal with women's legal status, laws and enforcement activities in the Near East.

This activity will focus on laws and enforcement processes as they affect women. Legal codes vary from country to country in the Near East, therefore Researchers in Morocco, Egypt, Tunisia, and Yemen will work from a research agenda developed by the CID/WID and AID/WID Offices to ensure that as much as possible the material reviewed and analyzed will correspond to general guidelines for type and content, to be relevant to the project. Researchers will gather information from government agencies that deal with the legal status of women and families, Women's organizations, Universities in Sana'a, Rabat, Tunis, and Cairo, and other available sources.

Product: A research report on the laws and enforcement processes affecting women in the family, educational, economic and political systems of Yemen, Tunisia, Morocco, and Egypt, and a bibliography of relevant materials, for dissemination at the regional conference (Activity 2.2), as well as in the United States. The report will be Arabic and English.

A survey of organizations involved in research, education, or activism related to women's legal status in the Near East.

Host Country Researchers will identify organzitions in their countries and develop a profile for each, including contact persons, major objectives and accomplishments, and major constraints. The profiles will be compiled into a directory of organizations for the four countries and will be available at the regional conference.

Product: Brief profiles of organizations in Yemen, Tunisia, Morocco, and Egypt, and a directory of organizations.

2. DISSEMINATION AND ASSESSMENT OF RESEARCH FINDINGS

2.1 CID/WID Representative prepares background report on women and family law in Yemen, partly drawn from materials from a conference on Yemeni women in Sana'a.

CID/WID FR Anna Wurth will use materials from her own research on women and family law in Yemen, as well as information from conferences held in Sana'a in 1993, where she presented a paper on this subject to prepare a research report. This paper will serve as background information for other CID/WID Researchers and for the regional conference to be held in 1994 (Activity 2.2).

Product: A research report summarizing the major issues relating to women and law in Yemen.

2.2 A regional conference, to be held in Tunis in August or September 1994, to promote dialogue, strategies and disseminate research findings among women professionals and NGOs from various Near East countries.

A CID/WID Researcher will provide planning and design support for two months leading up to the conference, will work with appropriate people in Tunis to organize logistical requirements for holding such a conference, will attend the conference and afterwards will assemble available papers and other materials and write a conference report.

Funds have been budgeted to pay travel expenses for invited participants from Morocco, Egypt, Yemen and Tunisia (four participants from each country), and three other invited guests (specialists in women and the law, possibly from other countries in the Near East Region).

Product: Conference proceedings document to include papers presented (summaries), discussions, participants, etc.

August 2, 1994

WOMEN AND THE LAW IN THE NEAR EAST: LEGAL AND REGULATORY CONSTRAINTS TO WOMEN'S PARTICIPATION IN DEVELOPMENT

WORKPLAN FOR HOST COUNTRY RESEARCHERS IN YEMEN, TUNISIA, EGYPT, AND MOROCCO

A. Summary and Background

I. Summary

This research and public information activity addresses the legal systems affecting women's participation in economic, political, and human resources development in selected Near Eastern countries.

II. Background

The Constraints to women's participation in and benefits from development activities are both legal and customary. Women's legal status is not necessarily the main obstacle to their participation in social, economic, and political systems in the Near Eastern countries. In most instances, de facto, rather than de jure, discrimination against women in education, employment and other matters is the main problem. For instance, despite a woman's rights to inherit and own property in her own name, and to sign legal documents, women are often deprived of their property rights and not allowed to enter into contractual agreements without the consent of a male family member. There are also many instances where the laws discriminate against women and limit their access to resources. Hence this activity will assess the extent to which the laws affect women's opportunities in education, employment, and participation in government (national elections and municipal governments).

Host Country Researchers should take advantage of existing resources in their countries, including data bases and organizations dealing with women and legal systems.

B. Objectives

The objectives of this research and public information activity are:

1) To examine the law affecting women in selected Near Eastern countries, specifically as they assist or impede women in taking part in development;

2) To highlight legal challenges facing Near Eastern women as compared to men;
3) To enhance women's legal awareness;
4) To disseminate information about women's legal rights, specifically for Yemen, Egypt, Morocco and Tunisia.

5) To achieve better understanding of the legal and other constraints on Near Eastern women's participation in socio-economic and political development;

6) To identify the various organizations--indigenous and foreign--addressing women's legal status in the Near Eastern Region, specifically in Yemen, Egypt, Morocco and Tunisia.

C. Tasks

Activity 1 Library and Field Study

A library and field study of the laws and enforcement processes affecting women in the family, education, economy, and political systems of Yemen, Tunisia, Egypt, and Morocco, to include a survey of organizations involved in research, education or activism related to women's legal status in the Near East region, as represented by the four countries.

This activity will focus on laws and enforcement processes as they affect women. Legal codes vary from country to country in the Near East, therefore Researchers in Morocco, Egypt, Tunisia, and Yemen will work from the following research agenda to ensure that as much as possible the material reviewed and analyzed will correspond to general guidelines for type and content, to be relevant to the project. Researchers will draw on information from government agencies dealing with the legal status of women and families, women's organization's, universities in their respective countries and other available sources.

Using the topics listed below as guidelines, Host Country Researchers will write one research report per country. The research reports from each country will form the basis of a summary report on the legal status of women in the four countries; this summary report will be disseminated at the regional conference on Women, Law and Development to be held in Tunisia in October or November 1994. Each Host Country Researcher will be invited to attend the conference and present her research.

For each general topic, discuss differences between the formal and informal application of the law for rural and urban, educated and non-educated women.

Major topics for review are:

a. Legal and Regulatory Constraints to Women's Participation in the Labor Force

How do gender constraints and opportunities impact on women's abilities to participate in the work place?

--formal and informal access to full time and part-time employment
--restricted access to certain occupations
--salary differences between men and women in same occupations
--opportunities for promotion
--rights to ownership of property
--access to credit, banking etc.
--availability of safe transportation

--legal or unofficial means for dealing with harassment at work
--social benefits such as maternity leave and child-care allowances
--access to spouses' pension/social allowances
--freedom to travel as part of occupation
--on job educational and training opportunities
--effects of dress codes (e.g. the veil) on taking up certain occupations?

b. Social restrictions reinforced by traditional law

What effect does family law have on women's access to development opportunities?

--constraints on women's employment related to family/religious law
--constraints on women's employment due to age of marriage
--constraints on women's employment related to nature of marriage contract or conditions of divorce
--divorce laws
--inheritance laws
--control of income
--physical and social constraints on women's access to courtrooms and their ability to bring a case to court
--constraints on women's ability to give evidence
--mobility and time constraints

c. Political Rights of Women

What are the major constraints to and opportunities for participation in politics?

--role of women in government
--women's rights to free association
--major constraints to women entering electoral politics
--major constraints to women winning political elections
--role of women in legislative bodies
--role of women in law and academia
--institutions representing women
--familial pressures on women's voting choices

d. Education and Training

--impacts of education on political opportunities
--impacts of education on economic opportunities
--relation of general literacy and education level to women's knowledge of their legal rights

e. Population Issues Related to Women's Access to Resources and Services

--accessibility of family planning clinics - constraints on attending family planning clinics

f. Availability of Information on Women's Legal Rights

--efforts being undertaken to improve women's knowledge and access to their legal rights
--efforts being undertaken to expand or modify women's legal rights

Activity 2 Compilation of a selected Bibliography of Country Specific Sources on Women and the Law, primarily those used in the Research Report. Some materials that were not referenced in the Research Report can also be Starred * and added if they are highly significant.**

Each Host Country Researcher will identify documents, booklets, and other information dealing with women and the law in her country. This selected country-specific bibliography will be based on materials available in the researcher's country. The focus of the bibliography will be on mid to late 20th century, although some earlier historical materials of significance may also be cited.

The bibliography will bring together in a concise and accessible form major sources on women in the law from four Near Eastern countries--Yemen, Egypt, Morocco and Tunisia. The compilation will be a basis for future comparative review, discussion and research on women and the law.

Researchers should also gather small samples of booklets, pamphlets, and other informational materials for display at the regional conference in Yemen.

Activity 3 Country Specific Profile of key Organizations involved in Research, Education and Activism related to Women's Legal Status. The organizational profiles will be available for review among Arabic-speaking countries and among international donor agencies and may provide the basis for funding from other agencies.

Host Country Researchers will identify key organizations in their countries that are involved in research, education and activism related to women's legal status in the Near East. Researchers will develop a profile for each organization. The profile will include the following points:

1) name of organization, mailing address, telephone and fax numbers
2) target membership of the organization
3) source of funding, or sponsoring agency
4) major objectives and accomplishments
5) major constraints to achieving objectives

Products

Activity 1 Research Report of the laws and enforcement processes affecting women in the family, education, economic and political systems of Yemen, Tunisia, Morocco, and Egypt and a bibliography (see Activity 2, below) of relevant materials, for dissemination at the regional conference. The common language of the conference will be Arabic, therefore the reports should be written initially in Arabic and translated into English. Translated, the report will be a minimum of 30 and a maximum of 50 typed, double-spaced pages in English. The report must be sent to the United States for review by the CID/WID Office before translation is carried out. The project will provide additional funds for translation, which may be done by the Host Country Researcher, or arranged by her and executed by a translator.

Activity 2 Country Specific Bibliography, in Arabic and in English, depending on the sources cited, for dissemination at the regional conference in Tunisia.

Activity 3 Country-specific Organizational Profiles in Arabic and in English, to be made available at the regional conference in Tunisia.

APPENDIX D

Research Report by Anna Wurth

The Legal Status of Women in Yemen

Report submitted to CID/WID Project
of Bureau of Applied Research in Anthropology
Department of Anthropology
University of Arizona

Tucson AZ

March 1994

Anna Wurth
American Institute for Yemeni Studies
P.O. Box 2658
Sana'a Yemen

Tel: 011 967 1 242 236
Fax: 011 967 1 242 236

The Legal Status of Women in Yemen

Table of Contents

Executive Summary

I Introduction

1. Women in the Labor Force
    1.2. Educational Status of Women
        1.2.1 School Enrollment
        1.2.2. University Enrollment
        1.2.3. Women as Teachers

II Women's Status in Legislation

1. Constitutional Rights
2. Political Rights
    2.2. Women's participation in April 1993 Election
3. Women in Public Service
4. Social Security Legislation
    4.1. Social Insurance
    4.2. Draft Social Law on Welfare
5. Civil Law

III Women's Status in Personal Status Law and Penal Law

1. Personal Status Law and Penal Law in Cultural Context
    1.1. Law of Personal Status
    1.2. YAR Family Law 3/1978
    1.3. PDRY Family Law 1/1974
    1.4. ROY Law of Personal Status 20/1992
2. Penal Law
    2.1. YAR Draft law for Penal Code ca. 1985
    2.2. PDRY Penal Code 3/1976
    2.3. Situation of Women Prison Inmates
3. Current Discussions

IV Workshop on Legal Status of Yemeni Women

1. Organization
2. Topics
    2.1. Legislation and Health Care for Women
    2.2. Education of Yemeni Women

2.3. Women in Mass Media and Relevant Legislation
2.4. Women's Needs for Psychological social and legal Guidance
2.5. Working Women and Development
2.6. Women's Rights in Personal Status Law
2.7. Treatment of Yemeni Women in Court
3. Recommendations of the Workshop
4. Further Recommendations
4.1. Legal Counseling
4.2. Publication of a Booklet on Women's Rights
4.3. Establishment of NGO Women's Rights
4.4 Training for Legal Practitioners

Bibliography

Appendix 1 Family Law in Yemen: Observations
Appendix 2 Proposal for Foundation of Association of Women Lawyers

Legal Status of Women in Yemen

Executive Summary

De facto women in Yemen enjoy very restricted enforceable legal rights. De jure there are a number of important laws guaranteeing equality with men. In those laws which are particularly relevant to women and which reflect Yemeni cultural attitudes(penal and civil law) women are conceded only a limited legal capacity. Prevailing legal practice and socio-cultural norms--which are also reproduced by women--prevent women from achieving legal and personal autonomy (in terms of education out-of-home activities decisions about marriage and number of children etc.)

Possibilities for intervention or to provide legal supportive measures and to assure their implementation are basically restricted to (1) the establishment of legal advisory centers in the cities (2) raising public awareness and (3) concentrated efforts at education and training within the legal apparatus itself.

I Introduction

Discussions about women's rights in Yemen are complicated as they are a pawn in the political struggle between the former rulers of the Yemen Arab Republic (YAR North Yemen) and the People's Democratic Republic of Yemen (PDRY South Yemen). Although an age old concept Yemen is not a political entity. A large part of the area within the present borders was most recently unified under a single ruler for a brief period around 1500 and a thousand years earlier under a brittle Himyarite confederation. Nevertheless unification of the two parts of Yemen has been the professed goal of almost all the active and exiled politicians in North and South since the beginning of this century. Unity was achieved in May 1990 bringing together two rather incompatible political economic and social systems although superficially both states were dictatorships one military and one political. The YAR was conservative both in terms of the state and the society as the state was an alliance between conservative tribal and religious elements with a few western educated technocrats. The economy was based on the export of male laborers to the oil rich countries of the Arabian Gulf although remittances began falling by the late 1980s. Originally the PDRY was radical spouting the rhetoric of socialism and Marxist-Leninism with a government controlled economy. In the course of the 1980s the rhetoric was toned down and economic policy progressively liberalized.

Each system claiming the right to rule what was traditionally regarded as Yemen the two states went to war with each other in 1972 and again 1979. The inconclusive military confrontations were followed by ephemeral talk of peace and unity but as each state encouraged the opposition in the other these were doomed especially in view of the interference by other states such as Saudi Arabia Iraq and the two Super Powers.

1. Women in the Labor Force

It is difficult to find precise and detailed data on women in the work force and the informal labor market. Aside from the Statistical Yearbooks there are some scattered surveys of small population units employing incompatible methods to reach disparate goals. Working women constitute 12 percent of the female population or roughly 24 percent of the female population in the age group 15-64 years of age including unpaid agricultural labor. Subtracting unpaid labor the formal employment rate is a mere 7 percent in the 15-64 age group. Women's labor is therefore concentrated in the largely unpaid agricultural sector (70 percent). Self-employed women follow (19 percent) with such diverse occupations as land-owners petty traders business women and professionals.

Employees constitute 10 percent of the total female labor force employers only 0.07 percent. The structure of the male labor force includes a higher proportion of self-employed (44 percent) and employees (42 percent). The number of unpaid male laborers in rural areas is roughly half that of unpaid female laborers constituting only 12 percent of the male labor force.

Development efforts in the North (during the 1980s 8 percent of the GNP came from development aid) concentrated on the countryside and successfully freed some women in some areas from some of the most arduous tasks such as fetching water from miles away and

eased their lives by establishing primary health care units. With an infant mortality rate of 131 per 1000 and a mother mortality rate of 161 per 1000 births WID efforts across the country have concentrated on MCH including family planning.

These data warrant concluding that in most agricultural areas of both North and South women are responsible for virtually all household work take care of the children and do most of the arduous agricultural tasks. Depending upon the proportion of the male population which had emigrated women have also taken on traditionally male agricultural occupations as well. While applying to the rural areas of both North and South real differences in the structure of female employment appear in the major urban centers: Sana'a and Aden. In Aden following independence in 1967 the government was obliged to draw women into the workforce to ensure that productivity continued to rise. Mobilization of women for political motives (independence development safeguarding the revolution) using social means (various unions and associations) gave women in the South--particularly Adenis who had had access to education--an edge over their sisters on the rest of the Arabian Peninsula. A great deal was achieved in health care schooling social security public transport and road construction considering the poverty of the country.

Ninety-eight percent of the female labor force in Aden enjoy employee status mainly in clerical positions and services. Sana'a shows a similar trend; 72 percent of the women being employees. Whereas in the South women could--and did--enter almost every sector of the workforce, women in Sana'a are completely absent from the legal apparatus. There is only one woman lawyer practicing in the Northern provinces although there are a couple of trained lawyers who would prefer to work in the legal section of a ministry. In the South 5.5 percent of the judges at magistrate level were women; in the North there are no women judges. According to reliable sources no woman has ever attempted to enter the judiciary in the North. A woman lawyer was denied a license by the Ministry of Justice in 1987.

1.2. Educational Status of Women

1.2.1. School Enrollment

Male enrollment reaches 85 percent in primary 55 percent in intermediate and 26 percent in secondary education. Female 32 percent in primary 14 percent in intermediate and 5 percent in secondary schools. Girls thus make up a mere 23 percent of those enrolled in school. Most girls drop out while in the 10-17 age bracket. The total proportion of girls attending school in the YAR actually dropped during the 1980s.

Illiteracy among women reaches 78 percent, while only 32 percent of men are illiterate. In rural areas up to 95 percent of the women over 12 are illiterate.

1.2.2. University Enrollment

Women form 13 percent of the total student body at Sana'a University being prominent in arts (45 percent) and medicine (44 percent). Only 2 percent of the students in the faculty of law are women--reflecting cultural prejudices--law being a male domain and thus an unrealistic choice of profession for women. In Aden women make up 40 percent of the student body being prominent in medicine (47 percent), education (diploma 32 percent, BA 47 percent), economics (38 percent), but also in law (31 percent).

1.2.3. Women as Teachers

After the 1962 revolution the YAR depended largely on foreign teachers to build up a

modern educational system. Despite considerable efforts to train teachers during the last 20 years foreigners (primarily Egyptians and Sudanese) still dominate teaching especially in rural areas. Teachers in the southern governorate are almost exclusively Yemeni. Among Yemeni teachers--North and South--women are prominent in primary education with higher education still a male domain.

II Women's Status in Legislation

1. Constitutional Rights

The new constitution was adopted by popular referendum in April 1991. Voter participation was low but press coverage extensive and discussions fervent. The constitution (articles 19, 21, 27) grants equal political economic legal and cultural rights to male and female citizens and equal opportunities. The state is obliged to guarantee the realization of equal opportunities (article 19). The right of the citizens to work is considered to be inalienable as is the choice of profession (article 21). The constitution establishes equality before the law and forbids discrimination based on sex, color, origin, languages, profession, social position or religion (article 27).

2. Political Rights

The Electoral Law 41/1991 ensures equal rights for men and women above the age of 18 (article 3). The Electoral Law does not permit anyone to vote by proxy (article 4). The Supreme Election Committee was entrusted with undertaking necessary steps to encourage women to participate in the elections and to establish registration and polling stations for women (article 5).

2.2. Women's Participation in the April 1993 Election

In the 1993 parliamentary elections 52 women candidates contested seats in North and South Yemen of whom only two actually won seats both in the southern governorate. In one southern district eight women stood and none won. In one Sana'a district 3 women ran and all lost. Female participation during the election was low husbands and fathers reportedly attempted to forbid participation. All parties gave lip service to the principle of women's participation but little more. The main factor preventing women's participation would appear to have been the high illiteracy rate the immobility of women in rural areas and a lack of interest in parties politics and elections outside the major cities. Propaganda opposing women's participation took advantage of the fact that the voter registration slips were accompanied by a photograph of the voter with the face visible which is considered to be shameful and immodest.

3. Women in Public Service

The public service law 19/1991 stipulates that the state will back guarantees for equal rights and opportunities (article 12c) particular emphasis being laid on equal pay for equal

work equal opportunities for further education and promotion. Women's working hours are set at a maximum of 6 hours daily while the pregnant and breast feeding work 4 and 5 hours respectively (articles 48 & 45). There is a paid holiday of six days before and after giving birth (article 59.1) and additional days in the event of a complicated birth (article 59.2). When the husband dies a woman enjoys a 40 day paid holiday (article 60b). The Public Service Law does not provide for any leave to educate children.

4. Social Security Legislation

4.1. Social Insurance and Pension Law 25/1991 (articles 2, 5, 9 & 55) and Social Security Law 26/1991 (Articles 3, 6, 30, 51 & 65)

Both these laws assure all employees the same social benefits; with social insurance and pension provisions for public sector employees and the application of the social security law to the private sector. Both laws guarantee complete equality for women in old age insurance temporary and permanent disabilities death health problems and job related accidents. Women have the right to the pension of an insured family provider even if they are of an age which would permit them to work.

4.2. Draft Law on Social Welfare

Social welfare has traditionally been part of the social fabric of Yemen and only hesitantly have state and community initiatives begun to consider providing for the poor and needy of the neighborhood. The law (article 7) specifies orphans women without providers (due to death of or divorce from husband unmarried and unable to work) and people generally incapable of working. After the Ministry of Social Affairs certifies poverty the petitioner is granted a minimal living allowance.

5. Civil Law

The Civil Code 19/1992 acknowledges equal legal rights for women and men meaning the right to enter into and dissolve legal contracts of their own free will (articles 50 & 51).

III Women's Status in Personal Status Law and Penal Law

1. Personal Status Law and Penal Law in Cultural Context

Both laws incorporate basic Islamic values as understood by a large public and supported by socio-cultural practices. For the most part these openly contradict the other legislation described both in the spirit and letter of the law. If women are legally equal to men in most fields they are not treated as equals in these two fields. The current version of the family law assumes that women enjoy only restricted legal capacity. Penal law stresses the limited rights of women as legal and social personae as they are completely subordinated to the authority of the husband and/or father whose powers supersede that of the state.

1.1. Law of Personal Status

The new Family Law became law by presidential decree in March/Ramadan 1992 while the-then appointed parliament was not in session. This indicates the salience and political importance of the family law in Yemen--and in most other Arab countries. Before unity both North and South Yemen had legislated family laws in the 1970s (1978 and 1974 respectively). Both codes are officially abrogated by the new code.

1.2. YAR Family Law 3/1978

The northern code followed shari'a interpretations adopting some Imamic positions. Marriage of female minors was permitted although consummation was forbidden before the age of 15. Contravention of this was to be punished by imprisonment. Polygamy of up to four wives was allowed each to be treated on an equal material basis. There were no restraints on the husband's right to repudiate a wife while wives had to sue for dissolution of marriage but only if husbands grossly violated their rights. In contrast to legislation in other Arab States the legal construction of divorce initiated by women was a unilateral abrogation of her marriage contract provided she could prove a violation of her rights (to maintenance and housing decent treatment the presence of and sanity of her husband) as wife. In most other Arab states the legal interpretation accorded the judge the power to take the place of the husband and repudiate the wife.

1.3. PDRY Family Law 1/1974

The southern code relied on a progressive interpretation of shari'a going back to XIX century modernist critics of Islamic Law. It required explicit consent of both parties to the marriage and forbade marriage under 16 or 18 for women and men respectively. It effectively abolished polygamy binding it to the fulfillment of very specific conditions (infertility or infectious disease of first wife). Legislators and legal advisors made it clear that monogamy was the goal of the society. The southern code legislated the same divorce procedures for women and men whereas the orthodox interpretation of Islamic Law gives the husband unlimited right to repudiate his wife at will and--depending on the school--the wife merely limited rights to sue for dissolution or annulment of her marriage. In the South both partners had to sue for divorce in court and divorce was granted under specific circumstances. Furthermore the conjugal flat was often allocated to the mother by virtue of her custodial rights. Both husband and wife could sue for compensation after divorce if they did not agree to the divorce in the first place or felt that injustice had been done to them. In such cases maintenance would be extended to as long as one year whereas the classical interpretation of the wife's right to maintenance ended after only 3 months and only the children in her custody would receive maintenance. The mother was awarded custody and the children would remain with her until boys reached 10 and girls 15 years of age (even if the mother re-married). Judges always had the option of prolonging this period if they saw fit and did use that possibility rather frequently.

1.4. ROY Law of Personal Status 20/1992

The law follows the former YAR family law rather closely making concessions only in the minimum age of marriage being 16 for both sexes. Women are not parties to the

marriage contract which is necessarily concluded by her legal guardian generally her father. She can be repudiated at any time without cause but the new law allows her to request compensation if her husband divorces her gratuitously. Women's rights to get a divorce are curtailed by court procedure. If she can prove gross violations of her rights as a wife she can dissolve her marriage contract. Her right to maintenance after divorce is limited to 3 months. Custody is first and foremost accorded to the mother as long as she stays unmarried after the divorce but passes on to the father by the time a girl is 12 and a boy 9. Even during the period of the mother's custody the children's father remains their legal guardian so that he is responsible for their financial and personal affairs including marriage. A divorced woman generally returns to her family's home and remarries rather quickly depending upon her age and the number of children. A divorced woman is invariably a burden for someone, it being culturally impermissible for a Yemeni woman to live by herself. Most marital disputes are solved out of court. The simplest way (in terms of time and energy) to end a marriage is repudiation--the unilateral right of the husband (talaq). While the wife may consent to a talaq solution which may generally be the most advantageous method available the threat of it is a Damocles sword hanging over her social and marital security. However repugnant this type of repudiation is the most desirable way of ending disputes. If however a woman is content and wants to remain married she may stand in constant fear of willful repudiation if she fails to please him or his family and her husband may always take a second wife.

2. Penal Law

Yemen still does not have a unified penal code. In the North five drafts of the penal code were prepared and one--dating to 1985--is applied side-by-side with Islamic law. The southern governorate still apply their penal code dating to 1976.

2.1. YAR Draft law for Penal Code ca. 1985.

The northern draft penal law currently in use follows classic interpretations of Islamic law rather strictly. Classic Islamic law distinguishes between the right of the people--meaning individuals--and the rights of God--meaning the Muslim public. Penal law concerns mainly the latter whereas civil law concerns the former. The Muslim public thus expects that the following crimes will be punished: drinking alcohol adultery accusation thereof prostitution highway robbery apostasy and theft (article 12).

Islamic law regards homicide as a private claim: the heirs of the victim having a claim on the murderer which can be satisfied by any means from blood money payments to execution. Heirs and guardians have the right to expect full compensation for the death of a charge or relative. The only constraints on this are the dependencies and hierarchies in the kinship group based on age and gender. Should, for example, a father kill one of his offspring regardless of age the heirs of the victim do not have the right to a private claim against the murderer but can only demand financial compensation. Any additional prison sentence cannot exceed 3 years. In the event that the victim of such a hypothetical assault is only wounded the father's legal rights are not altered and he would not go to prison for more than 3 months (article 216).

In case any family member (including the husband) kills any other female family member and her lover while committing adultery the heirs of the victims would have no right to private claims of compensation. The husband's sole and exclusive right to the woman's body is deemed more important than the rights of their heirs or the physical integrity of the man and woman which otherwise is the most important principle of Islamic penal law.

Rape in marriage does not exist as a crime and is actually excluded by the definition of marriage: . . . by which the woman is made [physically] legitimate to the man. . . (article 6, Law of Personal Status). It is only in the event of sexual practices considered to be illegitimate that a wife has legitimate grounds to sue for divorce or a penal case against her husband. The most common accusations against women are based on articles 255-258 punishing her for up to one year in prison or payment of a fine for contravening public morals, for example, by being alone with a man who is not her relative or by exposing parts of her body which are not to be seen by any male except her husband.

2.2. PDRY Penal Code 3/1976

The penal law 3/1976 followed a different logic. Adultery in its classic Islamic description was not a crime under South Yemeni Law but social sanctions could be very harsh depending upon the region. Intercourse with relatives within the forbidden degrees of marriage was unlawful punishable by a minimum of 5 and a maximum of 15 years imprisonment. This included child abuse in the immediate family and could--in contrast to rape or harassment--not be concealed by the marriage contract.

Sexual harassment of women at the workplace or bullying them into any kind of sexual acts was punishable with a 3 year prison term. Both sexual harassment and rape do not exclude the conclusion of a valid contract of marriage between woman and assailant to which under Family Law 1/1974 she had to give explicit consent.

Rape was explicitly defined as a crime where normal intercourse takes place without consent. Depending upon the circumstances it could have been punished with anything from 3 years imprisonment to execution. Attempted rape was also punishable with half the sentence of consummated rape. If minors or persons in legal or semi-legal custody were abused by guardians--either male or female--the punishment could be up to 10 years imprisonment.

Both the YAR draft law and the PDRY penal code are still in force in the territories of the former states.

2.3. Situation of Women Prison Inmates

The situation of all prisoners in Yemen is catastrophic. Women suffer even more as they must take their children to prison and are not provided with clothing or food. Many incarcerated women never see a judge or hear the accusations raised against them. Families tend to sever all ties to a woman in prison. Penal law cases demonstrate that a woman convicted of a capital offense is sentenced more severely than a man convicted of the same crime. In such cases the application of the penal law and especially the penal code of procedure displays extreme shortcomings.

3. Current Discussions

Discussions about the new Personal Status Law and the position of women form part of a wider field about the general direction in which Yemeni society is moving. Beside the question of state and institution building the status of women is one of the centerpieces of this discussion. A dialogue between all the parties to the discussion is difficult. There are those who defend Islamic interpretations but also the nation's need for some education for women to have qualified mothers with healthy children and those supporting the southern position pressing women's rights to work divorce etc.

The major problem in a dialogue between the parties seems to be that all retreat to former northern or southern practices and laws--and each has a suitably distorted and ugly image of the others. Critics of the new family law use southern practice as their point of departure generally claiming that it was the superior more appropriate and more modern law. Critics of the southern law call it communist and anti-religious claiming that the law gave women the upper hand. Particularly abhorrent to critics of the southern law was the allocation of the conjugal flat to the woman after divorce. This ruling was not part of the family law but stipulated in the housing laws and was repealed in 1988 before unity. Judicial practice in Aden still endeavors to allocate the divorced woman a share of her rent in the required maintenance payments for her children.

Another important question--on the symbolic level at least--centers on the question of the wife's conjugal obedience. Conjugal obedience (ta'a) is a husband's right which can be judicially enforced. The question was not dealt with in southern law but social and judicial practice suggested that women were not to leave the house against their husbands' will. Marital disputes were often resolved with written agreements between husband and wife to the effect that the husband obliged himself to pay maintenance on a regular basis and the wife agreed not to leave the house without his permission, for example.

The question of conjugal obedience is of concern mainly in urban areas and sub-urban agricultural areas which are increasingly being influenced by the norms and standards of modesty and behavior developing in the cities.

It is impossible to underestimate the symbolic importance of the question for urban women professional and illiterate alike. By a willful decision a husband can cut an urban woman off from her entire social network: friends relatives allies. This effectively isolates her from the very people who can--and should--protect her in times of marital crisis. The conjugalization of family ties is fully under way in Yemen's major cities meaning that wives become increasingly dependent on their husbands emotionally and financially. This is encouraged by (a) modern architecture and the layout of the city with smaller apartments for nuclear families; and (b) the introduction of the media which permits women and children to be entertained in isolation at home by the Television with its broadcasts of strange images from foreign worlds.

In this context the husband's power to prevent his wife from leaving the house is salient as it can potentially include barring her from attending afternoon literacy classes or any kind of secondary education. For the professional working woman the question is not only important but could assume a political dimension denying her rights guaranteed by the constitution. While the new Family Law and sometimes even judicial practice view work as

an exception overriding the husband's right to prevent his wife from leaving the house especially middle-class husbands do not agree. Women have always worked in lower class families in petty trading and services so there is no adjustment to be made. Seclusion was most pronounced in upper class families and yet they have sometimes encountered less problems in adjusting to modern circumstances. The pressure on husbands to be the sole provider is strongest in the middle class and aspiring middle class but difficult to achieve. Conflicts between normative orientation and economic possibilities are therefore most pronounced in the middle class.

IV Workshop on Legal Status of Yemeni Women November 1993

1. Organization

The workshop was organized by the Sana'a branch of the UNFPA and the newly established Social Research and Women's Studies Unit of the Faculty of Arts at Sana'a University. It was held 28-29 November 1993 at Sana'a University Faculty of Agriculture. For the opening ceremony the audience consisted mainly of male students very few Europeans in WID and various representatives of government ministries concerned.

2. Topics

Seven papers were presented touching topics such as women's status in family and penal law the status of working women, women in health care, women's psychological needs, women in media, women in education. The background of the conference was to develop ideas for the curriculum of the Women's Studies and Research Unit at Sana'a University. On the second day after the papers were read lecturers and participants were divided into working groups on various topics: working women and personal status law; women and media; psychological and medical care for women. These groups were to identify the key problems encountered and submit recommendations to remedy the problems.

Discussions in all of the groups were lively and often fervent initially centering around the question of the proper framework for discussions and discourse. Should discourse be about citizen's rights and duties human rights and civil society? Or should it be about the rights of the believer to be established by implementing Islamic law and mores? The importance of establishing these fundamental terms of discourse cannot be underestimated as each--the efforts to modernize and the efforts to remain or become authentic--define the position of women by ascribing a certain role to them and their bodies. Even outspoken liberals can generally not avoid buttressing their arguments with Quranic quotations.

2.1. Najiba Abdalghani, Ra'ufa Hassan al-Sharqi, 1993: Legislation and Health Care for Women.

The authors dealt with two different aspects of health care for women in Yemen. One was the weak institutional background various institutions being completely dependent on institutional finance and failing to develop feasible programs and strategies of their own. The

other was the treatment of women in hospitals and the resulting consequences in terms of poor health for both mothers and children.

Women generally do not go to hospital at the right time as poor and rural women are badly treated suffering not only neglect but also physical or verbal violence. Women are not informed about any necessary operations and are not accorded the power to sign the necessary papers as the law stipulates that they should. The husband usually signs and he can decide to refuse any operation. A case was cited where husband and wife visited the doctor because the wife's period had stopped. The doctor discovered in the hospital files that the woman's womb had been removed without the knowledge or consent of either the husband or the wife.

Abortion is not illegal in Yemen but has to be done in specialized centers with the written permission of both husband and wife and the written approval of two doctors. Women seek abortions for many reasons including social and economic justifications or the fact that there is a danger to their health. Improperly executed abortions could lead to the death of the women but there are no data. The authors stress that female children suffer from a higher death rate than boys as girls are neglected and badly treated. Women were generally found to be malnourished in comparison to men who get the lion's share of the meat, vegetables and fruit with protein and vitamins.

2.2. Wahiba Ghalib Fara' al-Faqih 1993: Education of Yemeni Women: Between Legislation and Implementation

Attitudes regarding women's education are still built on one reported saying of the Prophet that women should learn to read and write in order to understand religion but no more. Modern circumstances encourage women to enter the teaching and medical professions. Women who have chosen other professions find that the way is barred as they are either unable to work or find employment far below their educational level.

Rural education provides an interesting illustration of a typical problem. Teaching would be the only socially acceptable position girls coming from rural areas could accept but they would only do so in cities. The education of rural girls therefore does not raise the educational level of rural women and is potentially detrimental.

The Faculty of Education and Literature has the highest growth in female enrollment while Engineering and Agriculture--which are important for the development of society--suffer from a sharp decline in the number of women students.

The author pointed out that the rate of illiteracy among rural women was high but that this was also true of urban women. She stated bluntly that there are too many students for anyone to teach properly. In the countryside in particular families would prefer to send boys to school and schools established for girls would be used by boys with the consent of the community so that girls would continue to leave school in the 10-13 age group. Girls have limited mobility while social and economic factors make them indispensable for work in the fields and at home. The failure to establish any meaningful connection between literacy classes for adults and schooling also plays a role in the maintenance of the prevailing level of illiteracy.

Access to university education for women is also considerably below that of men: only 3.5 percent of the women in the relevant age group go to university as compared to 17

percent of the men. Summing up the author pointed out that a higher degree of female participation in schooling does not by itself touch the problem of the urban/rural divide and the problem of developing rural areas. She recommended that efforts be concentrated on creating conditions which would allow girls to achieve their basic educational rights. Women experts should share in drawing up educational policy and strategies. More data and research on women would aid in the formulation of suitable strategies and finally help raise the number of girls in education and to prevent social pressures from obstructing the realization of women's rights.

2.3. Ra'ufa Hassan al-Sharqi 1993: Women in Mass Media and Relevant Legislation

The author briefly outlined the media policies of the pre-unity states. Following unity the number of privately owned newspapers and magazines has mushroomed and direct censorship has given way to indirect censorship (refusal to issue or renew licenses court suits etc.). Radio and Television remain in the hands of the government and all the employees are civil servants. There are several women employees in the state owned media but only one at a high level of the administration and none in decision making positions. Men have been promoted to the highest positions although lacking qualifications and experience. Since men dominate all the upper levels of the media the visual media present women as seen by men. No written law stipulates that women on Television must cover their hair but they all do. Women on Television rarely get the opportunity to be in political or economic programs and news but are limited to programs which producers regard as attracting female audiences.

Of the 117 newspapers and serial publications there is only one catering to women although some have women's things like make-up and other frivolous items. Journalism is a male domain even conferences concerning women's issues are still covered by male journalists. Women journalists are neither invited to press conferences nor accepted as professional colleagues.

Television advertising is not as extensive as in other countries but advertising is generally done by tall thin blond blue-eyed foreign women encouraging the purchase of household appliances cleaning utensils and cosmetics. They are in a kitchen or bathroom environment which certainly does not resemble that familiar to most Yemeni women. On the rare occasions when Yemeni women do appear they are folkloric wearing the rural apparel reserved for special occasions. Other women appear solely dealing with household tasks and thus perpetuate the traditional images of women. Television does not show women working as doctors, teachers, journalists etc.

Media do not seem to be conscious of the danger of presenting these images and their influence on the general public: there are no data and research on the influence of media images and no institutions follow media generated pressure on women.

Religious programs take up 12 percent of broadcasting time in radio and up to 40 percent on Friday Television. All religious programs are done by men. The Television fatawa programs are very popular. The questions range from human relationships in marriage and divorce to legal questions about custody maintenance and also questions about proper clothing make-up conduct etc. The author found that questions concerning women (especially marriage and divorce) were not answered according to actual law but according to schools of law and that only the most severe viewpoints of Islamic law or of a given school were

offered. The author concluded that those fatawa presented in one of the most popular radio programs depict an image of women that is far worse than that of the actual Islamic law which is already bad enough.

The Television program al-Nadwa al-Diniya (Religious Instruction) usually praises women's role in history war and revolution. As far as modern Yemeni women are concerned this program praises the virtues of being a housewife the education of children and obedience to husbands. A second Television program, Women's Corner, broadcasts recipes, hygienic methods of cooking, and the education of children. It is exclusively oriented toward urban housewives. In sum the author concluded that the media are male dominated catering to a very limited audience. Furthermore women are depicted in a fashion which is detrimental and obstructive in terms of their development potential supporting the development of underdevelopment.

2.4. 'Azza Ghanim 1993: Women's Needs for Psychological Social and Legal Guidance

This paper addressed women in Yemen only marginally. The first part dealt with the theoretical grounds of psychotherapy and counseling. The second depicted women's rights in Islam. The third intended to justify the establishment of counseling centers because: (1) smoking and the consumption of qat strain family budgets and lead to the negligence of children and youth; and (2) women cannot cope with the rapid changes in Arab society. Psychological counseling centers should concentrate on the education of children, marital problems divorce and its impact on the family youth problems in behavior and sex, drug addiction and the problems of working women. Legal centers should deal with marriage divorce, custody, maintenance, and inheritance, and give investment advice. The author adds that in addition to these establishment of these centers afternoon gatherings of educated women addressing these various issues would be fruitful.

2.5. A'isha Abdulaziz 1993: Working Women and Development

The author used a Marxist framework to explain women's subjugation which can only be overcome by women entering the labor market. Both the constitution and the civil service law ensure women equal rights in the work place the latter supported by the draft labor law specifying some regulations for pregnant women. Social security laws guarantee women the same benefits as men. Yemen has ratified some international conventions and legislation corresponds to these. In educational institutions the proportion of girls and women falls far below the proportion of boys and men at all levels. This applies particularly to technical and vocational training where virtually no women will be found. She concluded that women must have technical training in order to mechanize agriculture as the proportion of women in the labor force remains low especially in comparison to Arab states like Tunisia.

Only 2 women were elected to parliament while 10 (3 percent) were in the PDRY parliament for a country one-fifth the size of the ROY. In the governorate of the PDRY women were better represented having almost 20 percent of the seats in Aden 12 percent in Shabwa and 8 percent in the Hadhramaut. In labor organizations female membership reached 10 percent even at the executive committee level. The author noted that the strain of combining work with the household chores is a serious obstacle as men generally fail to help their wives at home and often disapprove of working wives.

The wages earned by women in the civil service are low and thus unable to meet the need for proper health care. Women suffer from poor health and this influences their job security. The pressures on women in the countryside are even greater partially due to illiteracy and low school enrollment but also because the absence of services increases the basic workload.

The author suggested that basic male attitudes towards life (including eating habits) and towards working women would have to change to enable more women to enter the workforce. At the workplace women should be able to adjust their working hours flexibly. Basic services such as neighborhood washing machines and kindergartens should be established to ease the workload. In the countryside co-operatives should be revived and culturally meaningful relationships between the co-operatives educational and political institutions should be established.

2.6. Dr. Mohammad Ahmed al-Mikhlafi 1993: Women's Rights in Personal Status Law

Discussing women's legal rights in civil law the author endeavored (1) to show the contrast between the law and rights as well as (2) the legal deficiencies of the new law. Criticizing the terminology of the new law he pointed out that the very terms were alien to Yemeni legal tradition and laden with the meaning of hala recalling caste-like class and gender restrictions. Stressing that the new family law implicitly grants women the right to choose their own partners to give their consent and to work when married he regards the attempt to restrain polygamy with conditions and to limit willful divorce as positive but regretted that the law was internally inconsistent. Article 10 forbids marriage based on force which the author interpreted as the right to choose one's own spouse but article 16 stipulates that only a male guardian can give a women in marriage. Article 75 permits the husband to take a wife back within 3 months of repudiation without her consent violating the intent of article 10. Article 40 allows the wife to work but article 152 deprives her of the right to maintenance if she does so against her husband's will.

The northern legal apparatus with traditional judges intent on preventing women from claiming the few rights they have does not intend to apply the law. These judges would consciously break the law where it goes against their education and convictions. Drawing on the draft law of 1991 the law insists on male supremacy in the family. Some articles were inserted into the law to reduce the conflict between the two main political parties. Criticizing the incorrect legal form of the law the author states that the form influences its content. As the content of several articles does not correspond to what is appropriate for the modern world the author compared them unfavorably to the complimentary articles of the former southern law contending that the latter was better sounder etc.

2.7. Nadia Sa'id al-Khulayfi 1993: Treatment of Yemeni Women in Court

The application of the law is different from the legislation of rights. In this context it is impossible to claim that Yemeni women have achieved their rights. The current laws of personal statues and penal law were not legislated for justice, but for the purpose of maintaining the present reality.

Underlining her contentions she adduced two cases involving personal status law and two others in penal law. The personal status law cases reveal (1) the very rigid conceptions

of what a wife should accept from her husband in terms of cruelty negligence and violence; and (2) the conception that if a woman wants to end her marriage because her husband fails to meet the (rather modest) standards of decent behavior she is punished financially by being obliged to pay back her dowry and psychologically by being subjected to discriminating court procedures.

In penal cases the discrimination against women is even more blatant: judges seem to view the very accusation of a woman as proof that the woman is a criminal never inquiring into the circumstances which might have led a woman to commit a crime and never enquire if anyone committed any crime at all. Crimes committed by women frequently find their origins in the treatment they experience from their husbands or immediate relatives and society itself.

In one case a 13 year old was convicted of murder even though it was proven that she was brought into a house by force physically attacked and threatened with rape by a group of men. She was sentenced to 5 years in prison and a fine of YR 400 000 (roughly $100 000 at the time).

In another case a woman was sentenced to 5 years in prison and an inordinate amount of blood money after having been found guilty of killing her sister's husband who had allegedly tried to rape her. She was convicted even though witnesses attested that the man had died of natural causes. In each case the sentence could have been death: in the first instance the girl's being a minor made the court lenient and in the second case the woman's sister dropped her private claim. In cases where men actually admit to having killed another man in self defense or in defense of property the prosecution generally recognizes the claim and the term rarely exceeds 1 year.

In conclusion the author made the following recommendations: 1) a committee or organization should be founded to follow court cases and given the competence of trying to dissolve conjugal problems before a marriage ends in divorce; 2) a special media program on law and equality before the law should be developed; and 3) officials in the Ministry of Justice should be given further training by legal practitioners so that they can understand the difficulties of applying the law.

3. Final Recommendations of the Workshop

In general it was found that existing legislation is not the main source of discrimination against women but rather social practice discriminative application of the law and failure to apply the existing law. After a discussion in 3 groups the participants made the following concluding recommendations:

1) more research on women must be done. The Social Research and Women's Studies Unit of the Sana'a University Faculty of Arts would be qualified to do that;

2) GOs and NGOs should be established to campaign for more knowledge and conscienceless of women's affairs and provide counseling;

3) the media should present a more favorable and realistic image of women;

4) the application of current legislation concerning educational rights of women should be guaranteed and monitored;

5) all legislation concerning women should be reviewed; and
6) the treatment of women and mothers should be closely monitored.

4. Further Recommendations

A final report or final recommendations are usually not as precise as one would wish and certainly fail to reflect in detail the content of the discussions. The above mentioned recommendations are the minimal consensus reached among the participants/lecturers and the participants/audience most sent by the religiously conservative fundamentalist political party Yemeni Congregation for Reform.

As far as projects devised by CID are concerned some additional recommendations can be made by the author of this report.

4.1. Legal Counseling

Discussions about legal counseling have been going on for quite some time. In Aden couples in any divorce case were informed of their legal rights by the Women's Union which was expected to solve marital disputes with both sides adhering to a signed agreement. In the event of irreconcilable differences the statement of the Union was used as evidence in court. This role evaporated with unity and even in Aden there is no facility whatsoever for women seeking legal advice except the fatawa program lawyers or self-appointed judges. Excepting the first they are all exorbitantly expensive for the poor and none can provide reliable advice.

My discussions about legal counseling led in two main directions. One suggested that women get legal advice for free or at reduced rates on how to solve specific problems. The other approach is that of preventative legal advice since 90 percent of the legal problems women face never come to court or to a lawyer's attention.

In detail the following possibilities were discussed:

1) A legal clinic with lawyers volunteering some hours of their time to take cases and dispense advice. The discussion suggested that a concept which potentially works for a medical clinic treating patients for free would not necessarily work for law since legal cases are much more time consuming.

It was therefore suggested this idea should be implemented in a revised and limited version: a legal advisory clinic where male and female lawyers volunteer their time afternoons and refer people to listed specialized lawyers in the relevant field who could take up cases at reduced fees if the referring center could provide an appropriate compensation for the income loss.

The other option discussed is a well advertised legal advisory office at or near every court in the major cities. Lawyers could volunteer to work in that office. The center would not however reach people before they went to court and would thus be unable to advise them on a recommended course of action and this was regarded as a major drawback.

Another possibility entertained is that of barefoot-lawyers or preventative legal aid. Lawyers would go out to various quarters with a local network of neighborhood activists who would bring them into contact with people seeking advice. Although the concept of preventative legal aid meets with widespread approval experts doubt--quite rightly--that it

would be possible to realize under existing circumstances (as it is, for example, impossible to exercise the right to gather openly).

The final solution discussed was funding a legal advice office on a profit oriented basis. This office would consist exclusively of women employed as (1) office lawyers (solicitors) dispensing mainly legal advice and (2) court lawyers (barristers) taking the cases to court. This office would have to be located in an central quarter and equipped with phone, fax, copy machines, filing space and other facilities. It could also serve to train women graduates to actually work as lawyers (internships) which is currently being done by only one single lawyer. Legal advice could be offered during certain hours a day or week while operating as a normal profit-making concern during the rest of the week. The start-up costs would still be substantial with rent salaries etc.

The aim would however be two-fold: (1) legal counseling especially for women and (2) enabling Yemeni women lawyers to practice their profession in a supportive environment.

The most evident drawback is that this type of legal counseling would not cover the preventive legal action and would thus not reach the people (particularly women) who have legal problems but would not go to court or a lawyer. It would serve a relatively small public but could be expanded in the long term. (cf. appendix 1 proposal made to Dutch Embassy by Nadia al-Khulayfi; the budget is be prepared during January 1994).

Any legal counseling center could become the target of extremists either religious or political individuals or organizations.

4.2. Publication of a Booklet on Women's Rights

CID proposes to support the Women's Union with the publication of a booklet about women's legal rights. From discussions with various experts and activists in the field of women's rights WID and from personal acquaintance with the Union activities and some acquaintance with Yemen this author thinks that publication of a booklet is neither feasible nor reasonable for the following reasons:

1) ever since the early 1980s the Women's Union has not had any activities concerning the political and social rights of women concentrating instead on religious instruction and MCH. The northern union has--to the best of my knowledge--never published anything during the 20 years of its existence although it has enjoyed a budget of several million Yemeni Riyals. It was originally founded as the women's section of the contemporary ruling party-like organization. Its internal structures are highly bureaucratic and hierarchical: the executive committee elections have been postponed several times so that it has no legitimacy whatsoever. After unity the union was unified nolens volens and there are serious political social and personal tensions dividing Adeni and Sana'ani women which have immobilized the union as a whole. The Union has avoided comment on important women's issues such as the new law of personal status. The Union headquarters are located in a Sana'a district without any public transport connections or any facilities such as a library fax or phone although cheaper more suitable premises would be available (which would however not have been suitable for a government organization). The few active officers are very over-extended and rarely in Sana'a where they can be reached only on a private basis if at all. The present structure of the Women's Union does suggest that it currently does not have the necessary capacity for full co-operation.

2) the project of publishing a booklet on women's rights does not seem to be feasible at this time as prevailing illiteracy rates combined with the limited reach of the Women's Union suggest that such a book would only reach women who would be able to read such a book and probably could afford a lawyer and would probably seek out a lawyer's advice anyway. Under the circumstances which are overshadowed by the fact that the (inadequate) law is not being applied a booklet on legal rights would not aid even those who can read since the greatest problem is the fact that the law is not respected.

4.3. Establishment of NGO Women's Rights

As the conference made clear the connection between women's rights and the media is a crucial one. It is currently suggested that lawyers journalists and other interested parties form an NGO focusing on documentation and publishing: court cases and judgments related to women; prison conditions for women; monitoring the content of the mentioned radio and Television programs.

Its main activity would be reacting rapidly to court cases and publishing cases and violations of women's rights in the local press. In addition it would publish a semi-annual report assembling the evidence and turning it over to government institutions unions and (inter)national institutions as the two human rights groups in Sana'a and Aden Amnesty International local embassies and development agencies etc. To fulfill this function the organization would require institutional back-up by (1) lawyers' and journalists' unions; (2) Social Research and Women's Studies Unit; and (3) a publishing company. In the long term the organization should run a phone line where people could phone in to report cases. The NGO should work in close co-operation with the legal counseling center.

The Adeni Human Rights Organization is currently conducting a country-wide campaign with the goal of systematically recording injustices done to women. Following the end of the effort in March 1994 they intend to publish the results making them available both locally and abroad.

4.4. Training for Legal Practitioners

At the university in the long run contact between the Faculty of Arts (where the Social Research and Women's Studies Unit is) and the Faculty of Law should be institutionalized. Early on students of law should be made aware of the social aspects of the legal status of women and students in the field of women's studies should be introduced to the legal picture.

Both lawyers and judges should--if long term changes are to be achieved--be encouraged to institutionalize the possibility of further education particularly in the domains of penal and family law but also in trial procedures Progressively oriented judges are the most valuable allies as they can prepare reports on current practices and thus particular attention should be given to assuring that they receive further training. Only by assuring continuous directed support can one hope for the ultimate achievement of the long term goals of (1) changing the attitudes of the legal system concerning the legal status of women and (2) opening the possibility for--and assuring that--women can participate as professional members of the legal system.

BIBLIOGRAPHY / References

Amnesty International 1993 Annual Report. 1993. (In Arabic).

Carapico, Sheila and Tutwiler, Richard. 1981. *Yemeni Agriculture and Economic Change.* AIYS, Sana'a.

Carapico, Sheila. n.d. The Convergence of Yemeni Capitalism and Yemeni Socialism, unpublished article.

Ghamess, Mona. 1989. Les Femmes et l'ducation. *Peuples Mediterranens* 46:151-154

Halliday, Fred. 1974. *Arabia without Sultans.* New York, Vintage Books.

Halliday, Fred. 1990. *Revolution and Foreign Policy: the Case of South Yemen 1967-1987.* Cambridge, Cambridge University.

Molyneux, Maxine. 1982. *State Policy and the Position of Women Workers in the PDRY 1967-1977.* ILO, Geneva.

Molyneux, Maxine. 1985. Legal Reform and Socialist Revolution in Democratic Yemen: Women and the Family. *International Journal of the Sociology of Law* 13: 147-172.

Morris, Timothy. 1991. *The Despairing Developer.* London, Tauris.

PDRY Central Statistical Organization. 1989. *Statistical Yearbook 1988.*

Wada'i, al-Ahmed. 1991. Yemeni Women between Legislation and Islamic Jurisprudence. Sana'a, Afif Foundation (in Arabic).

YAR Central Statistical Organization. 1987. *Statistical Yearbook 1986.*

Conference Proceedings of Workshop on Legal Status of Yemeni Women. Sana'a, November 28-29th, 1993, unpublished manuscripts.

APPENDIX E

Trip Reports

WOMEN AND THE LAW IN THE NEAR EAST: LEGAL AND REGULATORY CONSTRAINTS TO WOMEN'S PARTICIPATION IN DEVELOPMENT

TRIP REPORT
December 11-23, 1994
Helen Henderson and Kelly Roemer

SCOPE OF WORK for Helen Henderson's and Kelly Roemer's Tunisian TDY included representing CID/WID's lead university, the University of Arizona, at the conference, Women Law and Development in the Near East, making personal contact with CID/WID researchers from Yemen, Morocco, Egypt and Tunisia and with other invited conference participants from eight Arabic speaking countries, assisting conference coordinator Laura Rice and consultants KRM and UNFT with details in conference management wrap up and final report preparation.

Key Contacts were: Laura Rice, conference coordinator and her assistant, Annette Sherry, Karim Hamdy of KRM, Radhia Riza, Feiza Kefi, Hannah Ben Youssef from UNFT, USAID personnel, M. Hassairi (Tunisia), Ferial el Sulaili (Yemen), project researchers, Sawsan el Messiri (Egypt), Khedija el Madani (Tunisia), Asma al Basha and Farida Bennani (Morocco).

OBSERVATIONS, FINDINGS AND RECOMMENDATIONS

We were impressed by the careful research presented by the panels and by the lively exchange of information among the paired panelists and the general audience. There is a wealth of data on women and the law in the Near East. This AID sponsored conference helped to organize some key research frameworks which through general information sharing at the conference, and future presentation of the Tunis Declaration at the United Nations Women's Conference (Beijing summer 1995), can contribute to global awareness and action strategies on issues of human rights for women.

SITE SITUATION

Conference and lodging accommodations were at the El-Mechtel hotel. Tunis is an excellent location for such a conference due to the government's support for women's constitutional rights. An example of this support is shown with the existence of strong organizations such as UNFT that can serve as conference sponsors and planners.

DAILY LOG

December 11 Henderson departed Tucson at 9:05 a.m. Overnight flight by Delta to Paris. Departed Paris at 11:40 a.m.

TRIP REPORT
Amal Kawar
December 27, 1994

1. The goals of the trip were to travel to Tunis to attend the conference Women and the Law in the Near East: The Effect of Legislation on the Participation of Women in Development, held December 14-17, 1994. My role at the conference was to utilize my Arabic knowledge to listen and informally keep track of the proceedings and events for the project. Afterwards, I was to work with local organizers, Field Researcher 2 and UNFT, on the conference report immediately following the conference. The allocated time for these activities was two weeks.

2-3. For observations, findings, and recommendation, see report.

4. Generally, the hotel, El-Mechtel, were the conference was held was quite adequate in terms of location, facilities, services, and personnel.

5. Key contacts: Madam Kafi, president of UNFT, Madam Riza, vice-president of UNFT, staff of UNFT, Madam Bouraoui, director of CREDIF, members of the delegations of the eight countries represented at the conference, staff of the Arab Women Center for Training and Research, Tunis, Madam Al-Sanabari of the Near East Bureau, Mr. Karim Hamdy, general manager of KRM International who helped with arrangements, and members of the Tunis office of AID.

6. Daily log of activities: December 10-25, 1994.

December 10. Departure from Logan, Utah to Tunis. I Arrived in Tunis the evening of December 11.
In Tunis, I stayed at El-Mechtel Hotel were the conference was held.

December 12. I rested.

December 13. I attended a steering committee meeting to discuss the program of the conference, specifically the teaming of countries (a team consisting of two countries) and arrangement of reporters for each session.

December 14. The conference began. I spent the first day mainly visiting along with the conferees sites arranged by UNFT: CREDIF (Centre de Recherches d'Etudes de Documentation et d'Information sur la femme), Centre Arabe de la Femme, Centre de Formation Agricole Modern des Jeunes Filles de la Moh'mdia (suburbs of Tunis), and Centre de Formation de la Jeune Fille de Hammam-Lif. In the evening I attended an organizational meeting.

December 15. I attended the conference first listening to the Minister of Women and Family Affairs and then presentations of the four papers by Egypt, Morocco, Tunisia, and Yemen. Each paper was given a critique by the other member of the team with the exception of the Egyptian paper. In the evening, I attended discussion of the next day's events.

December 16. I attended the workshops on the four main topics: education, employment, personal status law, and political participation of women. I circulated among the four workshops, spending about one hour with each. In the afternoon, I listened to the reports of the four workshops. At the end of the day I listened to a speakers from CEMAT and Centre Arabe de la femme.

December 17. This was the last day of the conference. I attended discussions and deliberations on the final declaration of the conference, "The Tunis declaration".

December 18. Report preparation. I also met with project director Dr. Henderson over the preparation of the research report. I gave her a preliminary assessment of the conference. I also met with several conference participants from all eight countries.

December 19. Report preparation. I met with members of the UNFT secretariat to discuss their reports on the country sessions and the workshops. I went to Mr. Karim Hamdy's office for further discussions. I met with Annette Sherry who also worked on arrangements.

December 20. Report preparation.

December 21. Report preparation. I met with some of the delegates who were still in town. I also met with UNFT personnel over the preparation of the research report and received a copy of part of their records on the conference.

December 22. Report preparation. I met again with UNFT personnel and received the last segment of their records on the conference. I then made arrangements to leave Tunis .

December 23. Departure from Tunis to Logan. Remained in Paris for one night at Orly Hilton to pick up the connecting flight to Salt Lake City on December 24. I returned to Logan on December 25. I was unable to pick up the shuttle on December 24 and I stayed at a private home in Salt Lake City till returning to Logan the next day.

TRIP REPORT

Submitted by
Annette Sherry

for October 12 - December 20, 1995
in Tucson, AZ and Tunis, Tunisia

The purpose of this trip was to assist with the organization of the conference on women, law and development in the Near East which was held in Tunis on December 14 - 17 of 1994, as part of the CID/WID project entitled "Technical Assistance for Gender Analysis in Strategic Development Projects". In addition to assisting the conference coordinator, my goals included working with travel arrangements for invited guests, interacting with USAID/Tunis and the Union National des Femmes Tunisiennes (UNFT) and other local non-governmental organizations (NGO's), as well as taking pictures of the planning and conference activities.

On arriving in Tunis, I began working with the conference coordinator and her husband, our local consultant, at their home office in a suburb of the city. They had already established contact with the USAID/Tunis office and UNFT, and had conducted the first Conference Planning Steering Committee meeting.

Until a secretary was hired, three weeks before the conference, much of my time was spent doing secretarial work. This was due, in part, to the amount of time required to maintain the extensive filing system developed by our local consultant and to make phone calls and send faxes on a phone line that did not have direct international access. I also translated the minutes from the Steering Committee meetings from French to English and occasionally corresponded with the USAID missions in the other seven countries from which we were inviting conference participants. Other assignments included contacting local NGO's and publishers and arranging for them to have exhibit space at the conference site, producing and gathering materials for the conference packet (some of which were not used), and taking photos throughout the process. My assistance with travel arrangements was minimal; our local consultant handled most of this.

My recommendations for improvement have mostly to do with the office from which we organized the conference. While well-appointed for a home office, it was lacking some basic necessities for working on an international level. There was only one phone line, which also served as a private line for Dr. Rice and M. Hamdy, and the business line for KRM (M. Hamdy's consulting business), for phone calls, faxes and emails. Since the line did not have direct international access (although these kind of lines are available upon request in Tunis), we had to dial an international operator to request an international phone number, and then wait for her to call back. The lines to the international operators were often busy, so that we sometimes had to make multiple phone calls even to start the first step of the process. The majority of our contacts were outside of Tunisia, so this was extremely time-consuming and made it difficult for callers to get through to us. Given the ready availability of phone lines

with international access, an office organizing an international conference should have been equipped with one.

The lack of a copy machine became a minor problem when M. Hamdy instituted a filing system which involved making copies of every document sent or received. We were able to use a copy shop a few blocks away, which was not always open and whose machines were not always operating properly, or the fax machine, which made copies on thermal paper. Copy machines were, however, standard equipment in other offices I saw in Tunis.

Another drawback, from my perspective, to working out of a home office was that I was felt obligated to respect the work schedule that they wanted me to maintain. In the beginning, this involved taking a three-hour lunch break. This was very inconvenient since I was staying at a hotel in the center of town, which was a half-hour away by taxi. I eventually asked if I could work more hours in the office, and they allowed me to shorten my lunch break.

My overall impressions of the site were very positive. Tunis is a good location for a conference of this type. It is a safe, friendly, tourist-oriented city, with several large, world-class hotels which specialize in conferences. Ben-Ali Hassairi, our contact at USAID/Tunis was very cooperative and supportive. UNFT appears to be a group of very committed women and they were, in general, a pleasure to work with. Although they can be somewhat disorganized, by business standards, it is my understanding that they are an all-volunteer group.

Following is a list of contacts which I made during this assignment:

M. Ben Ali Hassairi
USAID/Tunis

Mme Riza
Mme Ben Youssef
UNFT

<u>ONG's in Tunis</u>

Mme Selma Charfi
El Taller

Mme Jaouida Sallami, Chairwoman
Chambre Nationale des Femmes Chefs d'Entreprises

Mme Hosnia Chelbi, Chairwoman
Association de Promotion des Projets des Femmes dans l'Economie

Mme Malika Zammiti, Chairwoman
Association des Femmes Tunisiennes pour la Recherche et le Developpement

Mme Hedia Jrad, Chairwoman
Association Tunisienne des Femmes Democrates

Mme Ben Othman
Mme Ferchichi Essia
Mme Saida Ben Ameur
Mouvement Mondial des Meres

Mme Hamza, Directrice
The Arab Woman's Center for Training and Research

<u>Publishers in Tunis</u>

M. Guellati Nces
Ceres Productions

M. Moncef Herghi, Director
M. Zine El Abidine Belhareth
Centre d'Etudes, de Researches, et de Publication

M. Arbi Azzouz
Maison Tunisienne d'Edition