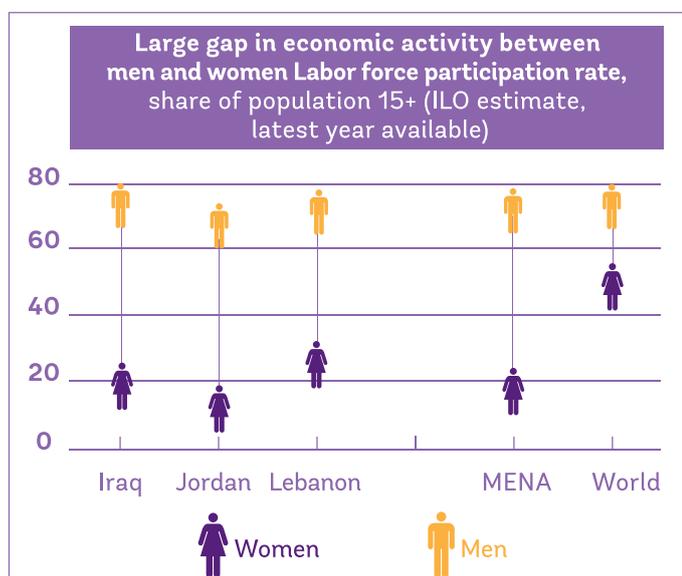


AN ENABLING ENVIRONMENT IS KEY FOR WOMEN'S ECONOMIC EMPOWERMENT AND FOR SUSTAINABLE ECONOMIC GROWTH

FEW WOMEN WORK

In the Middle East and North Africa (MENA) region, four out of five working-age women are out of the labor force. Minor increases in labor force participation rates have not translated into decent jobs as women are still concentrated in low productivity, mostly informal, sectors. Female unemployment is three times higher in MENA than it is globally (20 percent compared to 6 percent) and over twice as high as male unemployment in the region at 10 percent. In the Mashreq countries, these gaps are equally pronounced with more than three times as many men as women in the work force, and with women bearing the brunt of unemployment.



Families, societies and countries would benefit from increased economic activity amongst women. Excluding a large share of the population from economic and social life can be costly. It has been estimated that MENA loses up to USD 575 billion in regional income due to the current levels of gender-based discrimination in laws, social norms and practices that constrain women's rights and opportunities (OECD 2016). Women make up half the world's working-age population but generate only 37 percent of GDP. This is even lower in MENA, where the share of regional output generated by women is only 18 percent (McKinsey 2015). Increasing female labor force participation to the levels of men could boost regional GDP by 47 percent. In fact, it is estimated that by closing the gap in labor participation rates by 25 percent, Iraq, Jordan and Lebanon could grow their GDP by around 10 percent (ILO 2018).

LEGISLATIVE REFORM TOWARDS GENDER EQUALITY IS A GLOBAL COMMITMENT

Improving the overall enabling environment for women to participate fully in society is key to promote women's access to economic opportunities. While recognizing the role of traditional gender norms in defining men's and women's responsibilities within families and in society in the MENA countries, it is important to look at the legislative and constitutional framework as these set the rules of the game for men's and women's economic participation and obligations in society.



Sustainable Development Goal 5:

Achieve gender equality and empower all women and girls

Target 5.1:

End all forms of discrimination against women and girls everywhere

Indicator 5.1.1

“Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex”

Measuring legislative gaps is a first step towards guaranteeing women and men equal opportunities. In MENA, the legal differences between men and women remain a concern. The average number of such differences for the region is above that observed in any other region (WBL 2018). Although almost all countries have ratified relevant international conventions and have included constitutional provisions on gender equality, national laws often differentiate between sexes and by marital status, reinforcing traditional roles in the family and society.

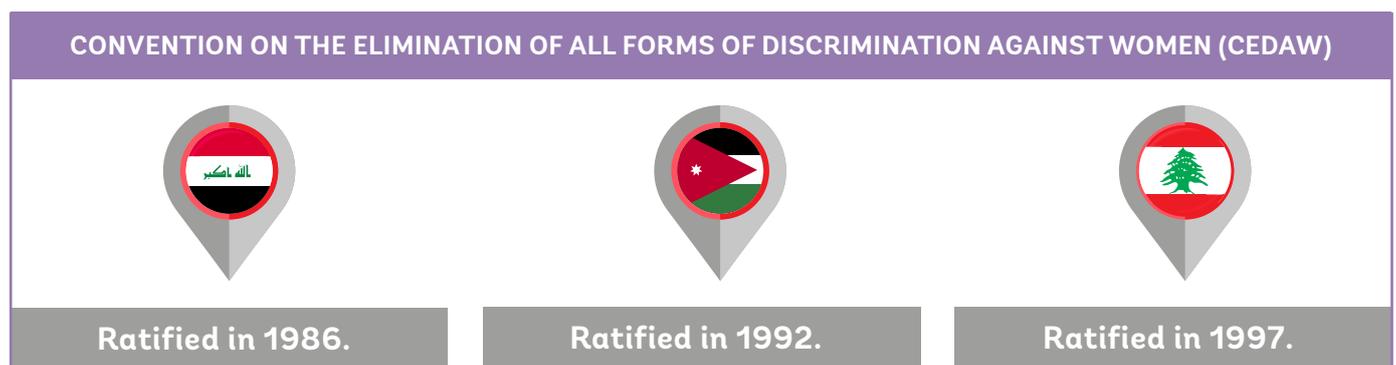
WHAT LAWS IMPACT WOMEN’S ECONOMIC EMPOWERMENT?

The more equal a country’s labor law is, the more women are working and the higher their earnings. Labor laws provide protection to employees including benefits such as childcare support, flexible work arrangements and protection from sexual harassment and discrimination in the workplace.

Historically, industry restrictions were introduced to protect women from jobs that were deemed dangerous, hazardous or harmful to their health – restrictions that still are widespread in MENA. These types of restrictions can lead to women becoming concentrated in certain jobs or sectors that are typically low-paying. Furthermore, care support (children, elderly, person with disability and/or chronically ill) is crucial for balancing work and family responsibilities. In economies where the government provides public care services or subsidizes private care services, women are more likely to receive formal wages (WBL 2016).

COUNTRY PROFILES

Iraq, Jordan and Lebanon have ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW outlines the right to work for women and requires equal pay for equal work, the right to social security, paid leave and maternity leave, and guarantees equality to women in economic life, including the right to bank loans, mortgages and other forms of financial credit.



IRAQ

Between April 2015 and June 2017, Iraq introduced four positive legislative reforms towards gender equality captured by the Women, Business and the Law (WBL) indicators, making it one of the top five reformers out of 189 economies worldwide, according to the 2018 WBL report. The new 2015 Labor Law is an important step forward for women’s rights and protections in the workplace. It prohibits gender-based discrimination in promotions, gender-based discrimination in hiring, employment and dismissal. The Law also prohibits sexual harassment at work and imposes penalties, which is a positive step in providing a safe working environment for women. It further extends the duration of maternity leave from 72 days to 98 days, meeting international standards. However, maternity benefits are fully paid by the employer, adding a financial burden that could be a disincentive to hire women.

Employers are required by law to support or provide childcare services to benefit the children of employees. Companies with female employees must provide childcare services, regardless of the size of the company or the number of employees. Despite the ambiguity of the trigger for this requirement and its linkage to female employees, it is a positive reform towards supporting employees with family responsibilities. Instructions were issued in 2017 with details on the implementation of this requirement.

Iraq ranks 147 out of 149 in the World Economic Forum's Global Gender Gap Index 2018.

Despite all the positive reforms in the Labor Law, legislative gaps remain. For example, the principle of equal pay for work of equal value is not guaranteed by the Labor Law, nor does it prohibit gender-based discrimination in promotions. In addition, the Iraqi Labor Law does not mandate employers to allow flexible work arrangements.

Employment of women in certain jobs remains legally restricted. The 2015 Labor Law prohibits women from working in jobs that are harmful to their health. By January 2019, no decrees or instructions have been issued to determine the exact sectors and jobs which fall under this provision. The law prohibits women from working at night with very narrow exceptions.

IRAQ: KEY ACTION PLANS AND STRATEGIES FOR THE ADVANCEMENT OF WOMEN

1. National Strategy for Combating Violence Against Women (2018-2030)
2. National Development Plan (2018-2022)
3. Sustainable Development Plan (2015-2030)
4. National Strategy for Empowerment of Iraqi Women (2014-2018)
5. National Plan for the Implementation of the Security Council Decision No. 1325 on Women, Peace and Security (2014-2018)



JORDAN

Jordan has recently introduced legal reforms to facilitate women's employment and support employees with family responsibilities. For example, recent reforms include allowing flexible work arrangements and regulating employer-provided childcare support. To implement this provision, Ordinance No. 22 of February 2017 on Flexible Work Schedule was enacted. In April 2018, the Minister of Labor issued specific instructions requiring all employers with 10 or more employees to amend internal policies of companies, to reflect the forms of flexible work arrangements available for employees.

Jordan is the only MENA economy covered in the Women Business and the Law database that legally allows for flexible work arrangements.

Jordan ranks 138 out of 149 in the World Economic Forum's Global Gender Gap Index 2018.

Employers in Jordan are required by law to provide or support childcare services. The 2010 amendment to the Labor Law requires employers who employ at least 20 women with no less than 10 children under the age of 4 years old to provide childcare services. Although the provision is intended to support women with children in the workplace, it can be a disincentive for employers to hire women due to the financial cost associated with establishing a childcare center. However, there are current efforts to remove this gender-specific requirement that triggers the obligation for employers to support childcare.

Maternity benefits provisions in Jordan discourage discrimination against women in hiring. Employers can refrain from hiring women as maternity benefits can be costly. To avoid discriminatory hiring practices, employers in Jordan are required to contribute to maternity benefits through a 0.75 payroll contribution from both male and female employees, under the 2014 Social Security Law.

More recently, Jordan took important steps to protect victims of gender-based violence. In 2017, an amendment was introduced to repeal article 308 of the Criminal Law which exonerated a man from prosecution for rape if he married his victim. Furthermore, a comprehensive Law on Protecting Families from Domestic Violence was enacted in May 2017. The new law provided additional protections and extended its coverage. Educational, health and social service providers in the public and private sector must report incidents of domestic violence. Law No. 15 of 2017 introduces penalties for non-compliance with the reporting obligation. Furthermore, the by-law on establishing shelters for women in danger was introduced in 2017.

JORDAN: KEY ACTION PLANS AND STRATEGIES FOR THE ADVANCEMENT OF WOMEN

1. Review and update of the National Women Strategy to be aligned with Sustainable Development Agenda 2030
2. The National Action Plan for the Implementation of UN Security Council Resolution 1325 on Women, Peace and Security (2018-2021)
3. National Vision and Strategy 2025



LEBANON

A few legislative reforms were recently introduced to support women's economic participation. In 2014, the length of maternity leave in the private sector was extended from seven to ten weeks which is still below the ILO minimum standard of 14 weeks. In December 2017, the Lebanese Government approved a project law to grant 3 days of paternity leave, which was sent to the Parliament to be discussed and adopted.

Lebanon ranks 140 out of 149 in the World Economic Forum's Global Gender Gap Index 2018.

Although gender-based discrimination in wages, employment and promotions is explicitly prohibited, there is no legal guarantee for women to return to the same or equivalent job after maternity leave. In Lebanon, while the Labor Law prohibits dismissal of a pregnant woman during maternity leave, there is no legal guarantee for women to return to the same or equivalent position after maternity leave, which can negatively affect their career development. Furthermore, employers are not mandated by law to support or provide childcare services for their employees.

Major reforms were introduced recently in the area of violence against women. In 2017, the parliament repealed article 522 of the Penal Law, which had allowed rapists to escape prosecution by marrying their victim. In 2014, the Parliament adopted a landmark law on combating domestic violence. Types of violence covered include physical, psychological, sexual and economic violence. However, the law does not criminalize marital rape. Furthermore, the provision which called for mitigated punishment for crimes committed in the name of 'honor' was repealed in 2011.

Currently Lebanon has not enacted legal protection against sexual harassment in the workplace. However, a draft law on protection from sexual harassment is now under consideration by Parliament.

LEBANON: KEY ACTION PLANS AND STRATEGIES FOR THE ADVANCEMENT OF WOMEN

1. National Strategy for Women in Lebanon (2011-2021) and its National Action Plans
2. Gender-mainstreamed National Strategy for Preventing Violent Extremism
3. National Strategy for Gender Equality (2017-2030)
4. First National Action Plan for the implementation of UN Security Council resolution 1325 on Women, Peace and Security

