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Introduction

This brief updates the main findings of the Regional Gender Report with respect to the status of women in the Middle East and North Africa (MENA).\(^1\) The regional Report on Gender and Development highlighted several points. On the one hand, MENA’s achievements in health and education during the 1980s and 1990s compared favorably with those of other regions. On the other hand, women’s labor force participation remained low and women were underrepresented in national parliaments and in other decision-making bodies.

This update will examine progress during 2000–2005 in five areas: economic participation, access to education, access to health care, women’s legal rights, and public participation and representation, as of September, 2006. This brief will also provide information on additional work carried out in the area of gender and poverty, as well as the ongoing research on women’s entrepreneurship.

Economic Participation

The Middle East and North Africa grew by an average of 6.0 percent over 2005, up from 5.6 percent over 2004, and an average growth of 3.5 percent over the late 1990s.\(^2\) Overall, women’s share of the total labor force increased from 26 percent in 2000 to 28 percent in 2005\(^3\) (figure 1).

Although progress on this indicator during 2000–05 was greater than in any other region, MENA continues to lag, especially when the high growth is taken into account.

There are great intraregional disparities in the extent to which women’s economic activity has increased or decreased over the past couple of

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Figure 1. Female Labor Force Participation (% of total labor force)—1990, 2000, and 2005

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years. In countries such as Algeria, Iran, Libya, Oman, Kuwait, and Tunisia, for example, the female share of the total labor force increased at least 3 percent in years 2000 to 2005. The opposite occurred in Morocco and Djibouti, where the percentage of women in the total labor force actually decreased by 1 percent.4

Similarly, at present women’s participation in the labor market (percent of female population ages 15–64) varies within MENA, as figure 2 shows. The lowest is in the West Bank and Gaza (11 percent); the highest is in Djibouti (55 percent). The second highest is in Kuwait (50 percent) when the large foreign worker population is included, and in Iran (41 percent), which does not have a significant foreign worker population.

Unfortunately, there is still a greater disparity between female and male labor force participation in MENA in comparison with other regions, as figure 3 indicates.

Because the rate of female labor force participation is low, the region is forgoing much of the potential return on its investment in women’s education. On the basis of several factors observed across countries, the MENA Gender Report stressed that if female labor force participation had reached predicted levels (based on the existing levels of female education, fertility, and age structure), the per capita GDP growth during the 1990s would have been 2.6 percent per year instead of 1.9 percent. Furthermore, women’s participation in the labor force can significantly improve the level of household income (by 25 percent)5 and bring many families out of poverty. As figure 4 demonstrates, investments in female education are more fully used in East Asia and the Pacific (EAP).

Figure 5 reveals that in most MENA countries, the share of women as a percentage of total non-agricultural employment has stayed the same or increased only slightly, with the average being less than 20 percent.6 Only two countries have experienced notable changes: Algeria, with an increase from 12 percent in 2000 to 16 percent in 2003, and Egypt, which had a 3 percent increase to 22 percent in the same period.7 The slow progress in this indicator shows that women do not have equal access to employment opportunities in the formal nonagricultural sector.


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Figure 2. Female Labor Force Participation in Country Groups within MENA, 2005 (% of female population ages 15–64)


Note: The data from Gulf countries such as Bahrain and Kuwait include both nationals and non-nationals. The data for Iraq are from 2004.

Figure 3. Male and Female Labor Force Participation, World Regions, 2005


A serious regional concern is the high unemployment rate. As figure 6 shows, the largest difference between male and female unemployment can be found in Egypt (6 versus 24 percent), Syria (8 versus 24 percent), Bahrain (8 versus 32), and Iran (10 versus 20 percent). In some countries, on the other hand, unemployment is a bigger issue for men. In Iraq, for example, male unemployment is much higher than female unemployment. The same applies in the West Bank and Gaza and Yemen. An interesting observation is that higher levels of female education do not necessarily translate into lower female unemployment. Data from several countries show that among women who participate in the labor force, unemployment is more concentrated among educated women (figure 7).

There is also the question of how women benefit from new job opportunities. In Iran, for example, the decline in unemployment (from 14 percent in 2000 to 12 percent in 2003) led to a 4 percent decline in unemployment for males versus a 3 percent increase in unemployment for women. Although part of this increase in female unemployment is due to higher female labor force participation, women were still not able to benefit

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8. The World Bank Central Database (September 2006).
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Generally, female youth (ages 15–24) suffer more from unemployment than adult women. The data, however, are not as consistent when comparing female and male youth. In Egypt, for example, 51 percent of female youth versus 19 percent of male youth were unemployed in 2001. The same applies in Syria, where female youth unemployment is much higher than male youth unemployment. Interestingly, the opposite is observed in Morocco and the West Bank and Gaza,

Figure 6. Male and Female Unemployment Rates in MENA Countries, Most Recent Year (in 2000–2005 time period)

Source: World Bank Central Database (September 2006). Data for Bahrain, Kuwait, Lebanon, Yemen, and Tunisia are the most recent from the International Labour Organization and official country sources.

Figure 7. Female Unemployment Rates by Education Level in MENA Countries, Various Years


from the new employment opportunities to the same extent as men.
where male youth unemployment is actually higher than that for female youth.

Because of insufficient job opportunities for both men and women, there is a belief that encouraging women to participate in the labor force will inevitably lead to more unemployment for men, who are traditionally considered to be the breadwinners of the family. Policy makers in MENA countries are also concerned that increased female labor force participation would raise overall unemployment. Data from the Organisation for Economic Co-operation and Development (OECD) countries and the MENA region (figure 8) show a negative weak correlation between unemployment and female participation in the labor force, whereas the data from MENA countries show a somewhat stronger negative correlation. Some of the countries with low female participation are those with relatively high unemployment rates. Although this could mean that high unemployment may constrain female labor force participation, it could also suggest greater participation of women in the labor force generates demand for additional goods or services in the economy that could stimulate the demand for new jobs. Hence, although a sudden participation of women in the labor force may push up the short-term unemployment rate, this is not a common occurrence. Increased women’s participation occurs only gradually and in the long run and, therefore, fears of higher unemployment may be unfounded.
Access to Education

The past two decades of investment in female education have been very fruitful. Figures 9 and 10 demonstrate the increase in literacy levels from 1990 to 2004.

Female literacy has increased in all countries of the region—although more in some than in others.

The positive trend is especially noticeable (figure 11) when contrasting the youth population to the adult population. In every MENA country, there is a significant difference between the literacy rate of the female youth population (15–24 years of age) and the female adult population (15 years and above). In Saudi Arabia, for example, 94 percent of female youth versus 69 percent of female adults were literate in 2004. In Tunisia, female youth literacy in 2004 was 92 percent, whereas female adult literacy was only 65 percent. In Algeria, the percentages were 86 versus 60.\(^{10}\)

Similarly, the literacy gap between young men and women has diminished over the years (figure 10).

\(^{10}\) World Bank Central Database (September 2006).
Countries that have experienced the greatest progress include Iraq, Yemen, and Oman. As figure 12 shows, most MENA countries fall within the 90–100 percent range although there are great differences among the countries and regions within each country. For example, gender disparity in youth literacy is still substantial in Yemen, whereas in countries such as the

**Figure 11. Female Youth and Adult Literacy, 2004 or Most Recent Year**

**Figure 12. Ratio of Young Literate Females to Males (% ages 15–24)**

*Sources: UNDP, Population Reference Bureau and Edstats.*

*Source: World Bank Edstats and Population Reference Bureau (no data for West Bank and Gaza in 1990).*
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In addition to literacy, MENA has experienced great progress in reducing the male-female disparity in education. Female enrollment at all levels of education has increased significantly. In 2000, the ratio of girls to boys in primary and secondary education was 88 percent. This percentage had increased to 92 percent in 2004 and is now almost equal to the world average. Some countries, such as Tunisia and Morocco, experienced the greatest progress on this indicator (figures 13 and 14).

The number of girls who complete primary education has also increased. The primary completion rate for girls was 85 percent in 2004, whereas the rate for boys was 91 percent in the same year. These rates suggest that there is a small but not significant difference between girls and boys in terms of finishing part of their education.

Recent data show that women have access to higher education. In most countries of the region, female enrollment exceeds that of males at the

Figure 13. Ratio of Girls to Boys in Primary and Secondary Education (%), MENA and World

![Figure 13](image)

Source: World Bank Central Database.
Note: World 2000 data is for 2001.

Figure 14. Ratio of Girls to Boys in Primary and Secondary Education (%), 1991 and 2004

![Figure 14](image)

Note: The 2004 Tunisia ratio is for 2003.


United Arab Emirates and Qatar, the percentage of young literate women is actually greater than the percentage of young literate men. In addition to differences between countries, the urban-rural disparity in female literacy within each country continues to persist.
tertiary education level and more women than men complete this level of education (figures 15 and 16). The increase in female tertiary education reveals several underlying social trends. With the rising age of marriage, women have the option of either entering the labor market or continuing their schooling. The lower proportion of men entering universities indicates that men find it easier to access jobs and economic opportunities. It is important to note that, as with literacy, the urban-rural disparity in female school enrollment within each country continues to persist. Another issue is that women continue to enroll in the so-called traditional fields of study considered appropriate for girls. Or, within fields of study, they may focus on some specializations more than others. For instance, in the field of medicine, more women may choose dentistry or ophthalmology.

Figure 15. Ratio of Female to Male Enrollments in Tertiary Education, 2004 (female enrollment as a percentage of male enrollment)


Figure 16. Gross Tertiary Graduation Ratio (first degree)—Most Recent Data in 2000–2006 Time Period

Source: Edstats.
rather than brain surgery or orthopedics, predominantly because of greater convenience of balancing work and family. Furthermore, the problem of gender stereotyping persists—albeit increasingly in more subtle forms—and is many times supported by school curricula.

**Access to Health Care**

The Regional Gender Report showed that MENA made extensive progress in health care during the 1980s and 1990s. This progress has continued from 2000 to the present. Women’s life expectancy (66 years in 1990) increased further from 70 years in 2000 to 71 years in 2004.\(^\text{13}\) Biologically, and where health conditions are good, women live longer than men. Where female life expectancy does not exceed that of males, the possibility of women having less access than men to nutritious food and adequate medical health care may be a factor. The difference between male and female life expectancy for the MENA region as a whole has increased, but there are intraregional variations within countries (figure 17). Furthermore, women’s reproductive health issues may still be suffering from traditional views and social norms or taboos.

MENA still has a higher fertility rate than the world average despite the striking drop in fertility during the past two decades; the fertility rate (4.8 in 1990) further decreased from 3.2 births per woman in 2000 to 3.0 births per woman in 2004\(^\text{14}\) (figure 18). This has been the result of factors such as higher female education (educated women tend to marry later and are more likely to use contraceptives), the availability of family planning policies, and the rising age of marriage. The percent of married women ages 15–19 decreased from 22 percent in 1976 to 10 percent in 2003 in Egypt; from 11 percent in 1975 to 1 percent in 2001 in Tunisia; from 40 percent in 1973 to 1 percent in 1995 in Libya; from 38 percent in 1970 to 5 percent in 1996 in Kuwait; from 17 percent in 1967 to 14 percent in 2004 in the West Bank and Gaza; and from 57 percent in 1975 to 8 percent in 1995 in the UAE.\(^\text{15}\)

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**Figure 17. Gaps between Female and Male Life Expectancy at Birth in MENA Countries, 1990 and 2004**

*Source: World Bank Central Database (September 2006).*

*Note: Iraq 2004 data are for 1997; 1990 West Bank and Gaza data are for 1992.*
There are significant intraregional differences in the use of contraceptives (see figure 19). Contraception offers women the benefits of healthier spacing of pregnancies and increased ability to plan the number of their children. Contraceptive use may also be an indicator of women’s empowerment at the family level; if a woman cannot decide with her husband when and how many children she wants to have, she is unlikely to have much decision-making power in other spheres of her life.

Several other factors indicate that more girls and women have been able to take advantage of the improved health care system. Child mortality

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**Figure 18. Decline in Total Fertility Rates in MENA Countries—1990, 2000, and 2004**


**Figure 19. Contraceptive Prevalence (% of women ages 15–49) in MENA Countries, 2004 or Most Recent Year**

data, for example, suggest that boys and girls under the age of five have equal access to health care\textsuperscript{16} (figure 20).

Furthermore, maternal mortality data, often used to assess women’s access to health care, show that the Middle East and North Africa region compares favorably to other regions (figure 21). The most recent data from 2000 have estimated the maternal mortality rate to be 183 per 100,000 live births.\textsuperscript{17} There are, however, some significant disparities among the countries in the region. Djibouti, Yemen, and Morocco still demonstrate high rates. Egypt, on the other hand, was able to reduce its maternal mortality rate from 174 maternal deaths per 100,000 live births in 1992–93 to 84 maternal deaths per 100,000 live births in 2000. This was achieved through adoption of the safe motherhood strategy that helped decrease home deliveries and increase the percentage of medically assisted deliveries, and the utilization of maternal health care and antenatal care services.\textsuperscript{18}

As in other regions, there is discrepancy in access to health care between rural and urban women. Rural women generally marry at a younger age and have more children. Maternal mortality rates, for example, are much higher in rural than in urban areas. It is essential to bring affordable health services closer to rural women to ensure that they receive the care to which they are entitled.

Another important factor in the maternal mortality rates is the practice of early marriage in some of the countries of the region, mostly among the poor and the rural populations. This mainly affects already marginalized women.

**Gender and Poverty in the Middle East and North Africa\textsuperscript{19}**

Unlike other regions where poverty is a determining factor in the gender debate, in MENA gender issues are pertinent to both poor and nonpoor populations.

\textsuperscript{16} World Health Organization.

\textsuperscript{17} The World Bank Central Database 2006.

\textsuperscript{18} World Bank Egypt Gender Assessment.

\textsuperscript{19} The information in this section is from the paper “Are Women Really Worse Off? An Analysis of Poverty and Gender in the MENA Region.” This background paper was written for the MENA poverty report *Sustaining Gains in Poverty Reduction and Human Development in the Middle East and North Africa.*
women while fully recognizing that poor women are more vulnerable than both poor men and nonpoor women. Female-headed households are a smaller proportion of the total in MENA than in other regions, ranging from 5 percent in Kuwait to 17 percent in Morocco. This proportion appears to be growing because of rising divorce rates and increasing female life expectancy, which potentially increases the number of women living as widows.20

In MENA, there is varied evidence on the gender of the household head as a determinant of poverty. Studies from Iran show that female-headed households are more likely to suffer from chronic poverty than male-headed households (see table 1). In the West Bank and Gaza, there is a clear difference in the poverty status of the household by the gender of the head (although female-headed households represent only 11 percent of poor households). On the other hand, evidence of “feminization of poverty” cannot be found in Morocco or Yemen. Similarly, in Jordan, female-headed households as a group are not poorer compared to male-headed households.

In looking at female poverty, it is important to note the complexity of determining the prevalence of female-headed households in traditional societies such as those in the MENA region. In many cases, a man who is not economically active may be identified as the head of a household in which a woman is the primary breadwinner. This may underestimate the prevalence of female-headed households and the level of poverty among them.

Furthermore, certain subgroups of female-headed households may be more disadvantaged than others. In MENA, several factors influence poverty levels in female-headed households. The first is region of residence. In Iran, for example, the gender of the household head is a determinant factor for poverty in rural (where poverty among female-headed households is 42.1 percent compared to 31.7 percent among male-headed households) but not in urban areas (see figure 22). Interestingly, the reverse applies in Tunisia (where 11.8 percent of the population living in female-headed households in the rural areas is poor compared to 17.2 percent in the urban areas.) In Egypt, the highest incidence of poverty can be found in the upper rural areas, with poverty rates of 35 percent for male-headed households and 27 percent for female-headed households (see figure 23).

A second factor that influences the poverty level of female-headed households is marital status. In MENA, women who head households are predominantly widows; 81 percent in Iran, 82 percent in urban Egypt, and 72 percent in rural Egypt. In Iran and Jordan, households headed by widows are less poor than households headed by single or divorced women. This reflects societal attitudes that these women are more deserving in terms of social assistance payments. On the other hand, in Yemen, regardless of gender, poverty is highest for households headed by a widowed person.

A final factor that influences female-headed household poverty level is the number of children

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in the household. Female-headed households with three or more children are particularly vulnerable to poverty. This could be due to the burden placed on women to care for children in the absence of effective child care programs, which leaves them little time for other income-generating activities.

In Jordan, the gender gap is largest in the lowest income quintile. For example, a slightly higher percentage of girls, at 7.5 percent compared to boys at 6.9 percent, in poor families have never been to school, and the school completion gender gap is the largest in the lowest income group. Also, poor Jordanian women have less access to health care than nonpoor Jordanian women. Similarly, in Egypt, there is a greater gender gap in poor households. The gender disparity in literacy, school enrollment, school completion rates, and access to health care is greater in poorer households. For instance, the gender gap in illiteracy for poor children is three times the gap for nonpoor children. Consequently, the low educational achievement of women in poor households affects infant and child mortality rates, and the impact differs by gender of the child. For example, in Egypt, postneonatal mortality for girls with less educated mothers is almost twice the rate for boys, whereas it is less than boys for children of mothers with more than secondary education. Similarly, in both Egypt and Morocco, poor girls have lower vaccination rates than poor boys and the differential is larger than among nonpoor children.

Other studies from Tunisia, Yemen, and Algeria contribute to the study on the intrahousehold gender bias. An older study from Tunisia found that the use of contraception was mainly concentrated in middle- and high-income groups and urban regions. In Yemen, gender disparities exist in school enrollment rates regardless of the poverty level of the household. However, these gender gaps are much more pronounced in rural areas. In Algeria, there is no gender gap in enrollment rates at the primary level, but the gap is quite glaring at the secondary level in the poor households (see figure 24). In urban areas 82 percent of girls were enrolled in secondary school compared to 76 percent of poor girls. In rural areas, it was 58 percent and 51 percent, respectively.

One interesting area of study is that of poor women and their income level and source. When controlling for other factors, women in female-headed households generally participate more in the labor market than women in male-headed households. For instance, in Morocco they are 37 percent more likely to be economically active...
than women in male-headed households, 6 percent more likely in Iran, and 1 percent more likely in Djibouti. Despite this, the majority of female-headed households in the MENA region depend heavily on transfers from friends and family rather than earned income. Only 36 percent of female heads of households versus 71 percent of male heads of households receive their income from earnings (see figure 25).

In Jordan, for example, female-headed households have a higher dependency on public transfers, private generosity, and worker remittance. In the absence of worker remittance inflows, the number of poor female-headed households could increase by 50 percent. In Yemen, remittances help households to escape poverty. Similarly, in Egypt, remittances are the most important source of income transfers for both poor and nonpoor female-headed households, particularly in rural areas. In this country, wages account for 32 percent of total income for poor female-headed households, compared with 44 percent of income for poor male-headed households.

One reason for the lower female labor force participation in MENA is that women are by law restricted in the type of work they can engage in and the hours during which they can work, such as night work. Although these laws are designed

Figure 24. Algeria—Enrollment rates of boys and girls by household expenditure

Figure 25. Sources of Income for Female- and Male-Headed Households in MENA Countries, Various Years

Source: World Bank household and labor force surveys of the most recent official data for each country.

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to protect women, they actually put females at a disadvantage in competing with men for jobs. The same applies when contrasting the economic activity of poor women to that of poor men. In Algeria, for example, the labor force participation of poor men is seven times and employment rate eight times that of poor women. Furthermore, women’s labor force participation varies more by income than it does for men. In Jordan, for instance, women in the top two income quintiles have the highest labor force participation rates, with higher participation in the formal labor force. The lower labor force participation of poor women is mainly because of their lower educational attainment. Similarly, in Tunisia, women among the poor in urban areas have the least access to the labor market.

An interesting observation is that the poverty status of the household and the gender of the head affect the labor participation of other members in the household. Children in poor families and female-headed households are more likely to work. For instance, the share of working children in households with female heads is almost 1.3 times greater than children of male-headed households in rural Egypt, and twice that of male-headed households in urban Egypt. In Morocco, child labor has decreased because of increased school enrollment for rural girls, but this decline is mainly concentrated in the nonpoor households. In Yemen, on the other hand, child labor is not a characteristic of poor households only (15 percent of the poor as opposed to 13 percent of the nonpoor children work). In urban areas, however, the share of working children is twice as large in poor households as in nonpoor households. Also, many more girls than boys work in both rural and urban areas.

**Women’s Entrepreneurship and Private Sector Development**

On the other end of the spectrum, the investment in female education and health has resulted in a generation of well-educated women who stand on equal footing with their male counterparts for entering the labor market.

Women’s entrepreneurship is an effective way to help increase female labor force participation and help solve the issue of female unemployment. Studies across countries have shown that female-owned firms employ a larger share of women than their male counterparts. World Bank data for MENA\(^24\) show that 14.5 percent of firms are owned by women (figure 26).

Interestingly, the percentage of large female-owned firms is higher in MENA than in any

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\(^{24}\) Calculations for MENA based on the following countries: Algeria, Egypt, Lebanon, Morocco, Oman, Saudi Arabia, and Syria.
other region. In MENA, large firms make up almost a third of female-owned companies. Indeed, women own 44 percent of the large manufacturing firms in Egypt, 16 percent in Saudi Arabia, 14 percent in Morocco, and 9 percent in Syria. However, in Algeria, Yemen, and Oman, females are better represented as the owners of medium-sized and small firms (figure 27).

There are great intraregional variations in terms of female ownership of firms. For example, 28 percent of firms in Lebanon versus only 4 percent of firms in Oman are women-owned (figure 28). It is important to note, however, that these data include firms owned and managed by women, as well as those owned by women but managed by other parties, such as male family members. In MENA, female business owners are less likely than male business owners to be the day-to-day managers of their businesses. For example, 54 percent of female-owned businesses list the owner as manager, whereas 90 percent of male owners are also the managers of their firm (figure 29).

The distribution of female and male owners across sectors does not present any significant differences, although there is a slight variation from country to country. For example, the share of female-owned firms is higher in the food-producing sector in Egypt (35 percent) and Saudi Arabia (17 percent), whereas in the textile industries of Morocco, Syria, and Saudi Arabia, female-owned firms make up 10, 8, and 19 percent, respectively.\(^\text{25}\)

### Public Participation and Representation

The region has witnessed many encouraging developments in the area of public participation and representation. For example, the percentage of seats held by women in national parliament in the MENA region increased from 4 percent in 2000 to 8 percent in 2005\(^\text{26}\) (table 2). The most notable changes in 2000–2005 occurred in Iraq, Tunisia, Jordan, Bahrain, Morocco, and Djibouti,\(^\text{27}\) mainly as a result of appointments and the introduction of quota laws. In contrast, countries such as Iran and Yemen actually saw a decrease in female representation in their parliaments.

In addition to representation in national parliaments, the region has seen the appointment of women to cabinets and other high-level positions in the period 2000–2005. Although this changes rapidly, the list includes several female ministers in Algeria (family and women’s situation, reform of finances, research, national community abroad, and communications and culture/government...

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\(^\text{25}\) Investment Climate Assessment, World Bank Group.

\(^\text{26}\) The World Bank Central Database 2006.

\(^\text{27}\) UN, http://unstats.un.org/unsd/mi/mi_series_results.asp?rowID=557. (Bahrain percentage was taken from the UNDP background paper “Women Leadership in Politics” for “Workshop on Women and the MDGs.”)
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spokesperson), two female ministers in Bahrain (Minister of Health and Minister of Social Affairs), two Lebanese female ministers, six women in the previous Iraqi Cabinet, one woman minister in Oman (Minister of Higher Education), a minister in Kuwait (Planning), in Jordan (Planning), and the first woman Vice-President in Syria. Further-

more, in 2002 in Bahrain and 2005 in Kuwait, women for the first time received the right to vote and run for public office.

Despite these encouraging developments, the Middle East and North Africa still lag behind other regions with respect to women’s public participation and representation. There has been almost no change in certain countries, and in some places, previous positive steps have been reversed. As is also the case in other regions, the progress of political representation will be slow if not accompanied by quotas. In most parts of the world, women political candidates face an uphill battle in national or parliamentary elections. This may be due to political circumstances, social pre-

conceptions, or the ability of male candidates to appeal to broader audiences. In MENA, women have made more progress in local and municipal elections, where issues are more clearly defined and where they can compete with candidates of similar sophistication.

In the past few years, an increasing number of women’s organizations and associations have been formed at both the national and local levels. These organizations play a fundamental role in increasing awareness on women’s legal rights and other issues that affect women, such as globalization, information technology, the environment, education, and health care.

Women’s Legal Rights

There has been some progress in MENA in the area of women’s legal rights in the past couple of years (table 3). From 2000 to 2006, countries such as Bahrain, Syria, Oman, and the U.A.E. ratified the Convention on the Elimination of Discrimination against Women (CEDAW) with reservations to certain articles. In Egypt, the nationality law was amended in 2004 to allow Egyptian women married to foreigners to pass on their nationality to their children. Recently, Bahrain passed a similar law as did Iran, albeit for children who are born within Iran.

Despite the encouraging changes, challenges remain to women’s equality under the law. Most of the countries in the Middle East and North Africa have ratified the CEDAW but with provisions and reservations that undermine potential progress. Certain articles of the CEDAW are rejected because they are considered to be incompatible with national legislation and the Sharia. These include article 9 (discrimination in granting nationality to children) and article 16 (discrimination relating to marriage and family relations). Challenges remain in national laws concerning matters of marriage, divorce, child custody, and granting nationality to children. Similarly, the penal code in many MENA countries does not protect women from crimes committed against them such as honor killings and sexual assault.

Table 2. Women’s Public Participation and Representation in MENA

<table>
<thead>
<tr>
<th>Country</th>
<th>2000</th>
<th>2005</th>
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<tbody>
<tr>
<td>Algeria 3</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Bahrain 0</td>
<td>7.5*</td>
<td></td>
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<tr>
<td>Djibouti 0</td>
<td>11</td>
<td></td>
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<td>Egypt 2</td>
<td>3</td>
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<tr>
<td>Iran 5</td>
<td>4</td>
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</tr>
<tr>
<td>Iraq 6</td>
<td>32*</td>
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<tr>
<td>Jordan 0</td>
<td>6</td>
<td></td>
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<tr>
<td>Kuwait 0</td>
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<td>Lebanon 2</td>
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<td>Libya ---</td>
<td>5</td>
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<tr>
<td>Morocco 1</td>
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<tr>
<td>Oman ---</td>
<td>2</td>
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<td>Qatar ---</td>
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<td></td>
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<tr>
<td>Saudi Arabia ---</td>
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<td></td>
</tr>
<tr>
<td>Syrian Arab Republic 10</td>
<td>12</td>
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<tr>
<td>Tunisia 12</td>
<td>23</td>
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<tr>
<td>United Arab Emirates 0</td>
<td>0</td>
<td></td>
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<tr>
<td>West Bank and Gaza ---</td>
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</tr>
<tr>
<td>Yemen 1</td>
<td>0</td>
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</tr>
</tbody>
</table>


* Bahrain percentage was taken from the UNDP Human Development Report 2005. Six women were appointed by the King to the Shoura Council.

* Iraq recently introduced a new quota system. The new constitution requires that 25 percent of parliamentary seats be occupied by women.

--- not available
To illustrate these issues more clearly, Table 3 presents data on equal constitutional rights, freedom of movement, and marriage for all citizens in the MENA region. The table includes information on the minimum legal age for marriage, the freedom to travel or obtain a passport without the husband’s or guardian’s permission, and the right for women to conclude their own marriage contract or to get a divorce through the court.

<table>
<thead>
<tr>
<th>Country</th>
<th>Constitution that stipulate equal rights and duties for all citizens under the law (both men and women)</th>
<th>Freedom of mobility: rights for a woman to travel or obtain a passport without husband’s or guardian’s permission signature</th>
<th>Minimum legal age</th>
<th>Right for women to conclude their own marriage contract</th>
<th>Right for women to get a divorce by the court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Algeria</td>
<td>Yes</td>
<td>Yes</td>
<td>F–18; M–21</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Bahrain</td>
<td>Yes</td>
<td>Yes</td>
<td>None</td>
<td>Yes and No</td>
<td>Yes</td>
</tr>
<tr>
<td>Djibouti</td>
<td>Yes</td>
<td>Yes</td>
<td>F and M–18</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Egypt</td>
<td>Yes</td>
<td>Yes</td>
<td>F–16; M–18</td>
<td>Yes and No</td>
<td>Yes</td>
</tr>
<tr>
<td>Iran</td>
<td>Yes and No</td>
<td>No</td>
<td>F–13; M–15</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Iraq</td>
<td>Yes</td>
<td>Yes and No</td>
<td>F and M–18</td>
<td>Yes and No</td>
<td>Yes and No</td>
</tr>
<tr>
<td>Jordan</td>
<td>Yes</td>
<td>Yes and No</td>
<td>F and M–18</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Kuwait</td>
<td>Yes</td>
<td>Yes and No</td>
<td>F–15; M–17</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Lebanon</td>
<td>Yes</td>
<td>Yes</td>
<td>F–17; M–18</td>
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<td>Yes</td>
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<td>Libya</td>
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<td>F and M–20</td>
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<td>F and M–18</td>
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<td>None</td>
<td>No</td>
<td>Yes and No</td>
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<td>Yes and No</td>
<td>F–17; M–18</td>
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<tr>
<td>Tunisia</td>
<td>Yes</td>
<td>Yes</td>
<td>F–17; M–20</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>United Arab Emirates</td>
<td>Yes</td>
<td>Yes</td>
<td>F–15; M–N/A</td>
<td>Ne</td>
<td>Yes</td>
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<td>West Bank and Gaza</td>
<td>Yes</td>
<td>Yes</td>
<td>F–15 &amp; 16; M–16 &amp; 17</td>
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<td>Yemen</td>
<td>Yes</td>
<td>Yes and No</td>
<td>None</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Source: Woodrow Wilson Center Report: “Best Practices: Progressive Family Laws in Muslim Countries"; Freedom House Report: “Women’s Rights in the Middle East and North Africa: Citizenship and Justice"; World Bank Report: “Gender and Development in the Middle East and North Africa." (All data for Djibouti; column 3 for Egypt and West Bank and Gaza; column 4 for Bahrain and Saudi Arabia; column 5 for Oman and West Bank and Gaza; and column 6 for Oman.) Palestine Report 2004 (column 4 for West Bank and Gaza); Foreign Affairs article: “Women, Islam, and the New Iraq” (all but column 4 for Iraq, which was taken from Amnesty International), and Interpol (Qatar—minimum legal age for marriage for men.)

a In most MENA countries where women legally have freedom of movement, this is rarely the case in practice. There are social restrictions, and many times, husbands can restrict women from leaving the country by withholding their passports or giving their names to the immigration authorities.
b In all MENA countries, women have the right to be granted a divorce under special circumstances, such as if the husband is imprisoned, if he is unjustifiably absent, or if he unjustifiably fails to pay maintenance. However, in certain cases (nonpayment of maintenance or physical and mental abuse), the burden of proof is entirely on the woman and, in practice, it is very difficult to get the court to approve the divorce. All countries allow women to be granted divorce through Khulu, whereby a woman, for any reason she deems justifiable, can be granted a divorce as long as she pays back the dowry to the husband and renounces any marital financial rights. Many women report that even obtaining Khulu is a frustrating and long procedure. Some countries require the husband’s signature even in a Khulu divorce.
c The constitution allows for the freedom of movement of all citizens. However, Article 39 of the family code stipulates, “The duty of the wife is to obey her husband,” therefore providing the husband with full authority over her wife in law and in practice. Most Algerian policemen and court officials consider it standard social practice for a husband to forbid his wife to travel without his permission.
d While there are no direct legal restrictions on women’s freedom of movement, women’s rights may be limited by socially imposed restrictions, such as requiring a woman to request permission from the head of the household in order to travel abroad.
e Two legal systems are followed and are based on two Islamic schools: Maliki (women must have their male guardian represent them in marriage and no woman can execute her own contract), and Jafari (any adult man or woman of sane mental capacity can execute his or her own marriage contract).
f Procedure for judicial recourse exists under some conditions. For example, a judge may authorize marriage if Wali refuses.
g In the Islamic Republic of Iran, the 20th amendment to the constitution gives men and women equal protection under the law and the enjoyment of rights “in conformity with Islamic criteria.”
h Article 2 of the final version of the Iraqi constitution makes Islam the official religion of the state, cites it as a basic source of legislation, and says that no law can be passed that contradicts its “undisputed” rulings. Interpreting this provision will fall to the Supreme Court. Furthermore, Article 39 deems Iraqis “free in their personal status according to their religions, sects, beliefs, or choices,” but leaves it up to subsequent legislation, such as the Sharia, to define what this means.
i The current Provisional Passport Law does not require women to seek permission from their male guardians or husbands in order to renew or obtain a passport. Nevertheless, in several recent cases mothers reportedly could not depart abroad with their children because authorities complied with requests from fathers to prevent their children from leaving the country.

j The royal decree raising the minimum marriage age to 18 has not yet been written into law. If the provisional law is rejected by the parliament, minimum legal age for marriage will be 15 for girls and 16 for boys.

k Under Article 15 of the Passport Law 11/1962, a married Kuwaiti woman cannot apply for a passport without the written approval of her husband, but an unmarried woman over 21 years of age can directly obtain her passport.

l In the Druze personal status codes, the minimum age for marriage is 18 for males and 17 for females (with the absolute minimum of 16 for males and 15 for females accepted only by an official statement from the court). In the Eastern Catholic personal status codes, Law 75 indicates that the minimum age for marriage is 16 for males and 14 for females. The minimum marriage age for Shi'a is puberty, or with judicial permission, 9 for girls and 15 for boys.

m The wife may apply for divorce on many grounds, including discord. A reconciliation attempt is mandatory. Religious minorities may follow different rules.

n Officially, a guardian may not force a ward of either sex into marriage or prevent a ward from marrying. However, according to tradition, women cannot marry without the consent of their father or male guardian.

o While Article 8 of the constitution of 1996 guarantees women equal political rights with men, the constitution does not provide women with the equal enjoyment of civil rights. Furthermore, Article 8 of the constitution provides for equality of citizens “before the law,” rather than “in law.”

p A woman may obtain a divorce only if her husband granted her the right of divorce at the time of the signing of their marriage contract. The majority of women in Saudi Arabia lack this provision in their marriage contracts, in which case a Muslim wife can only obtain a legal divorce by proving in court desertion or impotence on the part of the husband. Women can also obtain divorce whereby they renounce any financial marital claims. However, any divorce proceedings filed by the woman has to be signed by the husband to be effective.

q Although the constitution guarantees “full rights and opportunity” for all citizens, exceptions exist in the nationality code, the personal status code, and the penal code that do not afford women full and equal status as citizens.

r A woman no longer needs the permission of her husband to obtain a passport. However, Syrian law gives a husband the right to prevent his wife from leaving the country by submitting her name to the Ministry of Interior. Unmarried women over the age of 18 may travel domestically and abroad without the permission of male guardians.

s A woman may go to a court of law as early as at age 15, the legal age for marriage, to defend her right to marry a Muslim citizen of her choice if her male guardian forbids her marriage.

t In the West Bank, the Jordanian example is followed, whereby the minimum age of marriage for girls is 15 and boys 16, while in Gaza, Egyptian law is followed, and the ages are 16 and 17 for girls and boys, respectively.

u Women are not legally permitted a passport without the approval of their guardians (Wali), but women with passports are legally allowed to travel without their guardian’s permission.
Table 4. Status of Ratification of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

<table>
<thead>
<tr>
<th>Country</th>
<th>Date of Ratification and Accession to CEDAW</th>
<th>Article 2 on non-discrimination measures</th>
<th>Article 7 on political and public life</th>
<th>Article 9 on nationality</th>
<th>Article 15 on law marriage</th>
<th>Article 29 on family life</th>
<th>Article 16 on arbitration</th>
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<tbody>
<tr>
<td>Algeria</td>
<td>May 1996</td>
<td>Yes</td>
<td>No reservation</td>
<td>Yes, para. 2</td>
<td>Yes, para. 4</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Bahrain</td>
<td>June 2002</td>
<td>Yes</td>
<td>No reservation</td>
<td>Yes, para. 2</td>
<td>Yes, para. 4</td>
<td>Yes*</td>
<td>Yes, para 1</td>
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<tr>
<td>Djibouti</td>
<td>December 1998</td>
<td>No reservation</td>
<td>No reservation</td>
<td>No reservation</td>
<td>No reservation</td>
<td>Yes</td>
<td>Yes, para 2</td>
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<tr>
<td>Egypt</td>
<td>September 1981</td>
<td>Yes</td>
<td>No reservation</td>
<td>Yes, para. 2</td>
<td>No reservation</td>
<td>Yes</td>
<td>Yes, para 2</td>
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<td>Iran</td>
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<td>Iraq</td>
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<td>Yes, points f &amp; g</td>
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<td>Yes, para 1 &amp; 2</td>
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<td>No reservation</td>
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<td>Yes, para. 2</td>
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<td>No reservation</td>
<td>Yes, para. 2</td>
<td>No reservation</td>
<td>Yes, points c, d, f, and g</td>
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<td>Yes, points c and d</td>
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<td>No reservation</td>
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<tr>
<td>Oman</td>
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<td>No reservation</td>
<td>Yes, para. 2</td>
<td>Yes, para. 4</td>
<td>Yes, points a, c, and f</td>
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<tr>
<td>Qatar</td>
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<tr>
<td>Saudi Arabia</td>
<td>September 2000</td>
<td>No reservation</td>
<td>No reservation</td>
<td>Yes, para. 2</td>
<td>No reservation</td>
<td>No reservation</td>
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<tr>
<td>Syria</td>
<td>March 2003</td>
<td>Yes</td>
<td>No reservation</td>
<td>Yes, para. 2</td>
<td>Yes, para. 4</td>
<td>Yes</td>
<td>Yes, para 1</td>
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<td>Tunisia</td>
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<td>No reservation</td>
<td>No reservation</td>
<td>Yes, para. 2</td>
<td>Yes, para. 4</td>
<td>Yes, points c, d, f, g, and h</td>
<td>Yes, para 1</td>
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<tr>
<td>United Arab Emirates</td>
<td>October 2004</td>
<td>Yes, point f</td>
<td>No reservation</td>
<td>Yes</td>
<td>Yes, para. 2</td>
<td>Yes</td>
<td>Yes, para 1</td>
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<td>West Bank and Gaza</td>
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<td>Yemen</td>
<td>May 1984</td>
<td>No reservation</td>
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<td>No reservation</td>
<td>No reservation</td>
<td>No reservation</td>
<td>Yes, para 1</td>
</tr>
</tbody>
</table>

--- Denotes that the country has not ratified or acceded to the convention.

**Source:** CEDAW.

**Notes:** The following are excerpted from CEDAW:

- **Article 2.** Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women, and, to this end, undertake:
  
  (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
  
  (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
  
  (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
  
  (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
  
  (e) To take all appropriate measures to eliminate discrimination against women by any person, organization, or enterprise;
  
  (f ) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs, and practices which constitute discrimination against women;
  
  (g) To repeal all national penal provisions which constitute discrimination against women.

- **Article 7.** Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:
  
  (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies.
  
- **Article 9.**
  
  Paragraph 1. Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.
  
- **Article 15.**
  
  Paragraph 1. Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women, the rights and responsibilities during marriage and at its dissolution;
  
  (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
  
  (f ) The same rights and responsibilities with regard to guardianship, wardship, trusteeship, and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
  
  (g) The same personal rights as husband and wife, including the right to choose a family name, a profession, and an occupation;
(b) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment, and disposition of property, whether free of charge or for a valuable consideration.

- Article 29.

  **Paragraph 1.** Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

  **Paragraph 2.** Each State Party may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

  a. Insofar as it is incompatible with Islamic Shari’a.

  b. Saudi Arabia has an overall reservation that “In case of contradiction between any term of the convention and the norms of Islamic law, the Kingdom is not under obligation to observe the contradictory terms of the convention.”