

## Annex B. Methodology

### What is covered by the publication: scope and definitions

This publication brings together a collection of case studies that illustrate recent legislative, institutional and policy reforms in support of women's economic empowerment in Egypt, Jordan, Morocco and Tunisia. By recent reforms, we mean reforms that took place after the revision of the constitutions in the four countries following the Arab Spring over 2010-2011. Some of these reforms have already been mentioned in the 2017 OECD report on the impact of legal frameworks on women's economic empowerment in selected MENA countries (OECD, 2017<sup>[1]</sup>). However, this report highlights new evolutions and goes more into depth about how and why reforms happened, which actors were involved and how the reforms are being/will be implemented in practice. The case studies are clustered within thematic chapters, which each contain an introduction to provide context, and conclusions to highlight commonalities between the case studies and their key takeaways. The objective of the case studies is not to compare countries with each other but rather to measure the progress of countries against internationally agreed standards and benchmarks on gender equality and women's empowerment. Each chapter also provides policy recommendations on how to move forward.

In addition to the thematic chapters, a final chapter on success factors for reform provides insights into which types of policies and actions can unlock change in increasing women's economic empowerment. The report also shares examples of practical tools and resources which can guide and inspire legislators and policy makers in their reform efforts. While the four countries have conducted evaluations of their policies and/or initiatives on women's economic empowerment, a detailed assessment of these evaluations is beyond the scope of this report.

The publication looks at women's economic empowerment as a specific but critical aspect of wider gender equality. The OECD has been working on women's economic empowerment in the MENA region for the past 15 years, developing a niche in this particular topic.<sup>1</sup> While there is no universally agreed definition of women's economic empowerment, the OECD sees women's economic empowerment as covering women's participation in the economy in terms of employment and entrepreneurship.

This publication analyses legislative, institutional and policy reforms. There are different definitions of legal reform, but it basically means "changing and updating the legislation so that it reflects the current values and needs of society".<sup>2</sup> Countries have different processes of legal reform and different types of legislation. For the purpose of this publication, we define legislation to refer to the whole body of legislation, including acts of the legislature, formal laws, decrees and administrative measures. Legal reform thus refers to reform of different types of legislation, as opposed to the reform of laws in the strictest sense. Reform does not happen in a vacuum and can only be successful if the laws and policies are applied in practice. Therefore, the publication also looks at various actions that countries have taken which are complementary to the reforms.

The legal systems of all countries covered in the publication are considered civil law systems (as opposed to common law systems). However, personal status issues are still (partially) governed by Islamic law in Egypt, Jordan, Morocco and Tunisia, with great differences between the countries as to what extent Islamic law is recognised and applied as an official source of law. In civil law systems, legal codes are supposed to specify "all matters capable of being brought before a court, the applicable procedure, and the

appropriate punishment for each offense”.<sup>3</sup> The judge bases his/her decision on codified laws and even though some judicial rulings are considered as important precedents, there is less space for “judge-made law” than in the common law system. Since this publication only covers countries that apply the civil law system, the case studies included in the publication cover legal reforms that have been/are being codified rather than judicial decisions. The documentation of judicial decisions that have significantly affected women’s economic empowerment is an important topic that requires further research that is beyond the scope of this publication.

## How the research was conducted

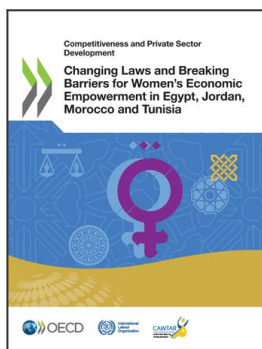
The publication is the result of a participatory research process. The OECD, Centre of Arab Women for Training and Research (CAWTAR) and International Labour Organization (ILO) decided to join forces in order to tap into different networks, bring out various perspectives and capitalise on the comparative advantages of each of the organisations involved.

Two questionnaires were developed for the purpose of the publication: one questionnaire on legal reforms (Annex C) and another questionnaire on promising practices complementary to legal reform (Annex D). The questionnaires were sent out to the MENA-OECD Women’s Economic Empowerment Forum (WEEF) network, which consists of over 1 300 stakeholders from the MENA region. In parallel to the questionnaires, a desk review was conducted and phone interviews were carried out with experts on gender issues in the MENA region. Fact-finding missions took place in the four countries covered by the publication, during which the publication team interviewed stakeholders from international organisations, bilateral development co-operation providers, government agencies, the private sector, civil society, academia and the legal profession (see Annex A).

A number of events were organised to gather more information and triangulate the findings. At the 2018 WEEF, in-depth group discussions were held for each country on the most important recent legal reforms. A side event at the 63rd Commission on the Status of Women allowed the publication team to gain more insights from different key actors in the region on women’s economic empowerment. National consultations on women’s economic empowerment were organised in the four countries to collect information on recent reforms and their implementation.

Based on all these inputs, 24 case studies were selected by the publication team to feature in the publication. The criteria used to select the case studies include:

- **Timing:** The reform needed to have taken place after the revision of the constitutions in the four countries following the Arab Spring.
- **Topic:** The reform is in support of women’s economic empowerment as defined by the OECD.
- **Relevance:** The reform has or is expected to have a positive impact on women’s economic empowerment in the country, with a focus on engaging women in the labour market and enhancing the competitiveness of the economy.
- **Countries:** The reform took place in one of the four countries covered by the publication, while trying to ensure a balance between the number of case studies per country.



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