



RECENT GAINS AND NEW OPPORTUNITIES FOR WOMEN'S RIGHTS IN THE GULF ARAB STATES

by Sanja Kelly

INTRODUCTION

As the societies of the Middle East and North Africa (MENA) undertake the difficult process of enacting social and political change, the unequal status of women stands out as a particularly formidable obstacle. This study presents detailed reports and quantitative ratings on the state of women's rights in the member states of the Gulf Cooperation Council (GCC): Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates (UAE). It is the first installment of a larger project encompassing the entire MENA region, which will be completed in November 2009. Although the study indicates that a substantial deficit in women's rights persists in every country of the Gulf region and is reflected in practically every facet of their societies, its findings also include the notable progress achieved over the last five years, particularly in terms of economic and political rights.

The Gulf region, and the Middle East as a whole, is not the only region of the world where women experience inequality. In Asia, Africa, Latin America, Europe, and North America, women continue to face discrimination and significant barriers to the full realization of their rights. It is in the Gulf, however, that the gap between the rights of men and those of women has been most clear and substantial. The Gulf countries were the worst performers in nearly all subject areas examined in the 2005 Freedom House study *Women's Rights in the Middle East and North Africa: Citizenship and Justice*, scoring particularly poorly in the categories analyzing legal rights and protection from discrimination, political rights, as well as women's personal status and autonomy.

The country reports presented in this edition detail how women throughout the Gulf continue to face systematic discrimination in both laws and social customs. Deeply entrenched societal norms, combined with conservative interpretations of Islamic law, continue to relegate women to a subordinate status. Women in the region are significantly underrepresented in senior positions in politics and the private sector, and in some countries they are completely absent from the judiciary. Perhaps most visibly, women face gender-based discrimination in personal-status laws, which regulate marriage, divorce, child custody, inheritance, and other aspects of family life. Family laws in most of the region declare that the husband is the head of the family, give the husband power over his wife's right to work and travel, and in some instances specifically require the wife to obey her husband. Domestic violence also remains a significant problem.

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Important steps, however, have been taken in each country over the last five years to improve the status of women. In 2005, women in Kuwait received the same political rights as men, which enabled them to vote and run for office in the parliamentary elections the following year. In Bahrain and the UAE, the first women judges were appointed in 2006 and 2008, respectively, setting an important precedent for the rest of the region. Moreover, the codification of family laws in Qatar and the UAE has been seen as another step forward; previously, family issues were decided based on each judge's interpretation of Islamic law. Since 2003, women have become more visible participants in public life, education, and business in all of the Gulf countries, including Saudi Arabia. They have also gained more freedom to travel independently, as laws requiring a guardian's permission for a woman to obtain a passport have been rescinded in Bahrain and Qatar during this report's coverage period.

In Qatar and the UAE, the positive change has come as the result of an increased political will to engage on the issue of women's rights, as well as advocacy by powerful, well-connected women such as Sheikha Moza, a wife of the emir of Qatar. In Kuwait, Bahrain, and Saudi Arabia, reform is driven in large part by the strong grassroots efforts of women's rights activists, lawyers, and journalists. An earlier push to improve the quality of women's education, combined with the growing presence of women in the workplace, has prompted an increasing number of women to demand greater rights in other spheres of life, including politics and family.

In nearly all of the countries examined, however, progress is stymied by the lack of democratic institutions, an independent judiciary, and freedom of association and assembly. In Oman, Qatar, Saudi Arabia, and the UAE, excessively restrictive rules on the formation of civil society organizations make it extremely difficult for women's advocates to effectively organize and lobby the government for expanded rights. The lack of research and data on women's status further impedes the advocacy efforts of nongovernmental organizations (NGOs) and activists. And ultimately, the passage of new laws that guarantee equal rights for women means little if those guarantees are not fully enforced by state authorities. Throughout the region, persistent patriarchal attitudes, prejudice, and the traditional leanings of male judges threaten to undermine these new legal protections.

One of the greatest challenges to women's rights in the Gulf is the issue of female migrant workers. Although they represent a large proportion of the female population in these countries, particularly in the UAE, Qatar, and Kuwait, they are often vulnerable to abuse by private employers due to language barriers, lack of education about their rights, and a lack of protection under national labor laws. In many instances, female migrant workers face slavery-like conditions when engaged in domestic employment: their freedom of movement is limited, their employers illegally confiscate their passports to prevent them from running away, and they are subjected to verbal and physical abuse. In recent years, several countries have instituted basic legal protections for domestic workers; however, it is too early to judge the effectiveness of such measures.

Among other important findings and developments are the following:

- As measured by this study, Bahraini women enjoy the greatest degree of freedom in the Gulf region, followed by women in Kuwait, the UAE, Qatar, and Oman; Saudi Arabia lags significantly behind.
- Women's rights in Saudi Arabia have improved modestly. Women can now study law, obtain their own identification cards, check into hotels alone, and register a business without proving first that they have hired a male manager. Their overall degree of freedom, however, remains among the most restricted in the world.

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- Women in Kuwait have experienced the greatest gains of any Gulf country in terms of their economic participation. The proportion of women participating in the workforce has increased by 5 percent since 2003.
- Oman instituted a new law on evidence, which stipulates that the testimony of men and women in court is now equal in most situations. If properly implemented, this law may serve as an example for many Arab countries where a woman's testimony is given half the weight of a man's.

KEY FINDINGS

In the 2005 edition of *Women's Rights in the Middle East and North Africa*, Freedom House identified a complex set of obstacles that were preventing women from enjoying the full range of political, civil, economic, and legal rights. While most of those problems remain, this study and the accompanying data demonstrate that several important gains have been made in recent years.

Economic Empowerment Grows Despite Persistent Challenges

Due to their abundant natural resources, most GCC countries have experienced unprecedented growth and development of late, and are currently undergoing an economic and cultural metamorphosis. The effects of these changes on women and their rights cannot go unnoticed.

In nearly all countries, women today are better represented in the labor force and play a more prominent role in the workplace than was the case five years ago. In Kuwait, for example, the proportion of adult women with jobs has increased from 46 percent in 2003 to 51 percent in 2007. Similarly, the proportion of working women has grown by 4 percent in Oman (to 25 percent) and by 3 percent in the UAE (to 41 percent) over the same period. Compared with male employment, however, these figures remain glaringly low. Over 80 percent of working-age men in each country are employed, though those figures have remained static over the last five years.

The growing number of working women appears to be the result of increased literacy and educational opportunities, slowly changing cultural attitudes, and government policies aimed at reducing dependence on foreign labor. Although society as a whole tends to view formal employment and business as male activities, parents and husbands alike are starting to rely more on the financial support provided by their daughters and wives. In Bahrain, several women interviewed for this study said that their prospects of marriage will increase if they hold a solid job, as "young men nowadays look for a wife that can help with family expenses."

One of the main benefits women receive from a job is a degree of financial independence from families and husbands, something they lacked in the past. Divorced or widowed women increasingly seek out employment to support themselves, instead of relying on their extended families. With divorce rates in 2005 reaching 46 percent in the UAE, 38 percent in Qatar, and approximately 33 percent in Kuwait and Bahrain, women increasingly see this separate income as vital insurance against the breakup of their marriages. Whether married or not, working women say that they have started to earn greater respect and have a greater voice within their families because they are contributing financial support.

Government policies designed to reduce dependence on foreign labor in most of the Gulf have led companies to start aggressively recruiting women to fill newly established quotas for citizen employees. In the UAE, for example, the Ministry of Labor no longer allows work

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permits for foreigners employed as secretaries, public-relations officers, and human-resources personnel; consequently, most of the new hires for those positions are Emirati women. In Oman, a policy of “Omanization” has had a particularly positive effect on poor, less-educated women, who have been able to obtain jobs as cleaners, hospital orderlies, and kitchen help, allowing them to support themselves in the face of economic hardship and giving them a new role in the community.

Although such policies have increased the overall number of working women, they have also highlighted the cultural limits placed on female professionals. Many women complain of difficulty in advancing beyond entry-level positions despite their qualifications and job performance, leading to a popular perception that they were hired only to satisfy the government quotas. In fact, as noted in the UAE report, these policies have resulted in a “sticky floor” for young and ambitious women. Throughout the region, very few women are found in upper management and executive positions, arguably due to cultural perceptions that women are less capable, more irrational, and better suited for family responsibilities.

Women throughout the region earn less than men despite labor laws that mandate equal pay for the same type of work and equal opportunities for training and promotion. While such laws are essential, they are frequently violated in terms of salary and employment perks like housing allowances or loans for senior officials. Women in most countries can file discrimination complaints with government agencies, but such bodies often lack the capacity to investigate discrimination cases or impose penalties for violations by employers, rendering their work largely ineffective.

Several long-standing cultural mores regarding proper professions for women remain cemented into the law. In virtually every country in the region, labor laws prohibit women from undertaking dangerous or arduous work, or work which could be deemed detrimental to their health or morals. All six countries prohibit women from working at night, with the exception of those employed in medicine and certain other fields. While these provisions are seen locally as a means of protecting women, in effect they treat women as minors who are unable to make decisions regarding their own safety and hold women’s guardians responsible if the rules are violated. Since most nationals opt to work in the public sector due to shorter workdays hours and better pay, these restrictions do not affect a great number of women. Nonetheless, new labor laws in the UAE, Bahrain, Kuwait, and Qatar have reaffirmed these rules during the period under examination.

Academic Opportunities Expand Women’s Prospects

Education has been a prime area of progress for women in the region, and it is an important avenue for their advancement toward broader equality. Since the 1990s, women in all six Gulf countries have made gains in access to education, literacy, university enrollment, and the variety of subjects of study available to them. That trend has continued, for the most part, over the past five years. The primary school completion rate for girls has grown by 15 percent in the UAE, 12 percent in Qatar, and 3 percent in Oman. Moreover, Qatar and the UAE now have the highest female-to-male university enrollment ratio worldwide, with women outnumbering men three to one.

Although women are generally encouraged to study in traditionally female disciplines such as education and health care, they have started entering new fields, including engineering and science. For example, in Qatar, women were accepted for the first time in 2008 in the fields of architecture and electrical and chemical engineering. In Saudi Arabia, three educational

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institutions started to permit women to study law in 2007, although they are only allowed to act as legal consultants to other women and remain prohibited from serving as judges and lawyers in court.

Despite these improvements, there are still many barriers to true gender equality in education. In Kuwait and Oman, women are required to achieve higher grade-point averages (GPAs) to enroll to certain disciplines at the university level. For example, female students in Kuwait must obtain a 3.3 GPA to be admitted to the engineering department, while male students need only a 2.8 GPA. As women comprise almost two-thirds of the student body at Kuwait University, the disparity in admission requirements is explained by university officials as “reverse discrimination,” intended to increase the percentage of male students in certain academic fields. Moreover, in most countries examined, universities largely remain segregated by gender. It is unclear to what extent the segregation affects the quality of education, but in at least some countries, including Saudi Arabia, the number and diversity of classes offered to men are much greater than those available to women.

Protection from Domestic Violence Remains Minimal

While no part of the world is free from the stain of domestic abuse, the Gulf countries, and the MENA region as a whole, are exceptional in their array of laws, practices, and customs that pose major obstacles to the protection of women and the punishment of abusers. Physical abuse is generally prohibited, but no country in the Gulf region offers specific protections against domestic violence or spousal rape. Other factors include a lack of government accountability, a lack of official protection of rights inside the home, and social stigmas that pertain to female victims rather than the perpetrators.

No comprehensive studies on the nature and extent of domestic violence have been conducted in the Gulf states, apart from Bahrain. Nevertheless, domestic abuse is thought to be widespread in every country in the region, with its existence typically covered up by and kept within the family. Many women feel that they cannot discuss their personal situation without damaging their family honor and their own reputation. Consequently, abused women rarely attempt to file complaints with the police. When they do choose to seek police protection, they frequently encounter officers who are reluctant to get involved in what is perceived as a family matter and who encourage reconciliation rather than legal action. In Saudi Arabia in particular, guardianship laws make it very difficult for battered wives to find a safe haven. For example, this study cites the case of a girl who sought police protection after being sexually molested by her father, only to be turned away and told to bring her father in to file the complaint.

Over the last five years, several countries have taken limited steps to combat domestic violence. In the UAE, the first government-sponsored shelter for victims of domestic violence opened in Dubai in 2007 under the auspices of the Dubai Foundation for Women and Children. The shelter has a residential capacity, offers legal assistance for the victims, and provides training for the police on how to handle domestic violence cases. While this is a sign of progress, as it indicates an official acknowledgment that the problem exists, a single shelter is grossly inadequate for the needs of the emirate and the entire country.

In Bahrain, the number of NGOs that support victims of domestic violence is steadily increasing, and a growing number of women seem to be aware of such organizations and the services they provide. Several new shelters have opened over the last five years, and civil society has become more active in its advocacy efforts. The issue of domestic violence has also garnered more attention in Qatar and Saudi Arabia, although it is unclear what practical steps those

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governments intend to take to combat the problem. In Kuwait, there is not one shelter or support center for victims of domestic abuse.

Political Rights Rise Amid Low Regional Standards

Throughout the Gulf, both male and female citizens lack the power to change their government democratically and have only limited rights to peaceful assembly and freedom of speech. According to *Freedom in the World*, the global assessment of political rights and civil liberties issued annually by Freedom House, none of the GCC countries earn the rating of “Free,” and none qualify as electoral democracies.

Despite the overall lack of freedom, however, women have made notable gains over the last five years in their ability to vote and run for elected offices, hold high-level government positions, and lobby the government for expanded rights. These reforms have been most visible in Kuwait, where women received the same political rights as men in 2005 and exercised those rights for the first time in the parliamentary elections of 2006. Although none of the 27 female candidates who ran that year were successful, several came close, and women’s chances are expected to improve as they receive more training and acquire experience in campaigning and electoral politics.

In the UAE, eight women were appointed and one secured election to the 40-member Federal National Council (FNC), an advisory body to the hereditary rulers of the seven emirates. Previously, no women had served on the FNC, which until 2006 was fully appointed by the seven rulers in a number proportionate to each emirate’s population. In other countries, such as Oman and Bahrain, the government has appointed an increasing number of women to unelected positions, including cabinet and diplomatic posts. In addition to serving in the executive and legislative branches of government, women in the UAE and Bahrain are now permitted to act as judges and prosecutors. Although women remain severely underrepresented in political and leadership roles, their increased visibility in public life could help to change cultures in which only men are seen as leaders and decision-makers.

Working from outside the government, women’s advocates in several countries have been able to lobby for expanded rights more effectively in recent years, despite persistent restrictions on freedom of association. This has been particularly evident in Kuwait, where activists played the central role in urging the government to provide women with equal political rights. In Saudi Arabia, a growing number of journalists and advocates are slowly pushing back societal boundaries and demanding increased rights. For example, in 2007 the Committee for Women’s Right to Drive organized a petition addressed to the king, which prompted the government to reevaluate its ban on female drivers and announce in 2008 that women would be allowed to drive within a year. However, throughout the region, restrictions on civic organizations represent one of the main impediments to the expansion of women’s rights, since activists are unable to organize and voice their demands without fear of persecution.

Legal Discrimination

In 2004, Qatar joined Oman and Bahrain in adopting a legal provision specifying that there shall be no discrimination on the basis of sex. While the constitutions of Kuwait and the UAE do not include a gender-based nondiscrimination clause, they do declare that “all citizens are equal under the law.” Only in Saudi Arabia does the constitution lack a provision committing the government to a policy of nondiscrimination.

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Regardless of constitutional guarantees, women throughout the region face legal forms of discrimination that are systematic and pervade every aspect of life. For example, in none of the Gulf countries do women enjoy the same citizenship and nationality rights as men, which can carry serious consequences for the choice of a marriage partner. Under such laws, a man can marry a foreign woman with the knowledge that his spouse can become a citizen and receive the associated benefits. By contrast, a woman who marries a foreigner cannot pass her citizenship to her spouse or her children. Children from such marriages must acquire special residency permits, renewable annually, in order to attend public school, qualify for university scholarships, and find employment.

Over the last five years, a few countries have made it possible, in very limited circumstances, for foreign husbands and children of female citizens to obtain citizenship. In Saudi Arabia, amendments to the citizenship law in 2007 allowed the sons of citizen mothers and noncitizen fathers to apply for Saudi citizenship once they turn 18, but similarly situated daughters can obtain citizenship only through marriage to a Saudi man. In Bahrain, over 370 children of Bahraini mothers and noncitizen fathers were granted Bahraini citizenship in 2006, but this was an ad hoc decision made at the discretion of the king, and there is no guarantee that it will be repeated in the future. While some of these measures technically represent modest improvements, the vast extent of gender discrimination in citizenship rights remains largely unchanged.

Women's rights organizations, particularly in Bahrain and Kuwait, have taken up citizenship inequality as one of their main causes and have actively lobbied their governments for reform. However, many in the region believe that if these laws were changed, foreign men would easily "trick and seduce" national women in order to obtain citizenship and receive the substantial social benefits that it confers.

Apart from citizenship, women also face gender-based restrictions in labor laws, can legally be denied employment in certain occupations, and are discriminated against in labor benefits and pension laws. However, gender inequality is most evident in personal-status codes, which relegate women to an inferior position within marriage and the family, declare the husband to be the head of household, and in many cases require the wife to obey her husband. Under the family codes of all six Gulf countries, a husband is allowed to divorce his wife at any time without a stated reason, but a wife seeking divorce must either meet very specific and onerous conditions or return her dowry through a practice known as *khula*. Furthermore, women need a guardian's signature or presence in order to complete marriage proceedings, limiting their free choice of a marriage partner. In Bahrain and Saudi Arabia, there is no codified personal-status law, allowing judges to make decisions regarding family matters based on their own interpretations of Islamic law.

Women's rights organizations in Bahrain have been advocating for codified personal-status laws for close to two decades. A draft law was introduced in the parliament in December 2008 and is currently being reviewed by the relevant officials; the strongest opposition to its adoption comes from conservative Shiite Muslim groups. In the UAE and Qatar, the personal-status laws were codified for the first time in 2005 and 2006, respectively. Although the new laws contain certain provisions granting women additional rights and are viewed as a positive development, many clauses simply codify preexisting inequalities.

Several other legal changes over the last five years, if properly implemented, have the potential to improve women's rights. For example, laws requiring women to obtain permission from their guardians in order to travel were rescinded in Bahrain and Qatar. In Oman, the government introduced a law in 2008 stipulating that men's and women's court testimony would be considered equal, although it is unclear to what extent this will apply to personal-status cases.

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A draft labor law in the UAE, if passed, would specifically prohibit discrimination between people with equal qualifications and ban termination of employment on the basis of marital status, pregnancy, or maternity.

Throughout the region, however, the prevailing patriarchal attitudes, prejudice, and traditional leanings of male judges, lawyers, and court officials—as well as the lack of an independent judiciary that is capable of upholding basic rights despite political or societal pressure—threaten to undermine these new legal protections. Unless effective complaint mechanisms are in place and the appropriate court personnel are trained to apply justice in a gender-blind manner, the new laws will not achieve the desired effect. Moreover, unless the judicial system of each country becomes more independent, rigorous, and professional, women of high social standing will continue to have better access to justice than poor women and domestic workers.

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The overarching purpose of this study is to facilitate and support national and international efforts to empower women in the Gulf states. It is our hope that the country reports and quantitative ratings included in the survey will prove useful to those working for women's equality in the region, whether from inside or outside the government, by helping to identify priorities for reform and catalyze further action.

AUTHOR

Sanja Kelly is a senior researcher and managing editor at Freedom House. She presently serves as the project director for the survey of women's rights in the Middle East and North Africa. In that capacity, she manages a team of over 40 international consultants based in the MENA region. Over the past year, Ms. Kelly has conducted extensive field research and consulted with women's rights activists in every Gulf country. She holds a master's degree in international relations from Columbia University and has overseen several multinational studies examining democratic governance and human rights.