



METHODOLOGY

INTRODUCTION

Women's Rights in the Middle East and North Africa provides a cross-regional comparative analysis of women's freedom to exercise their human rights. In so doing, it is a potent tool for activists, academics, journalists, and scholars in the Middle East and North Africa (MENA) and worldwide. The 2009 edition covers the positive and negative events affecting women's rights that have occurred between January 1, 2004, and December 31, 2008, picking up where the 2004 publication ended. The Gulf Edition, the first installment of the 2009 study, focuses on the member states of the Gulf Cooperation Council (the GCC): Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates (UAE).

The study's methodology, used for each edition, is based largely on the Universal Declaration of Human Rights (UDHR). The UDHR has long guided Freedom House in its continuous evaluation of the state of freedom, political rights, and civil liberties throughout the world. Each country report takes into account both the *de jure* and the *de facto* status of women's rights and analyzes the treatment of citizens and noncitizens alike. Both the actions and the omissions of the state are analyzed, as well as the impact that non-state actors have on women's freedom. The methodology is organized within the context of the following key areas, creating a full and robust picture of women's rights in their totality:

- I. Nondiscrimination and Access to Justice
- II. Autonomy, Security, and Freedom of the Person
- III. Economic Rights and Equal Opportunity
- IV. Political Rights and Civic Voice
- V. Social and Cultural Rights

METHODOLOGY AND PROCESS

The study offers a transparent and consistent guide to scoring and analyzing the countries under review. This process includes a rigorous and detailed methodology; the identification of key themes and questions for review; and the development of a system for monitoring, rating, and producing a written analysis of a country's progress on certain thematic issues. When the project

was first proposed, its uniqueness required Freedom House to develop a new assessment methodology that specifically addresses obstacles to the full enjoyment of women's rights as well as questions applicable to all people. The methodology was drafted by Freedom House staff and experts, and was reviewed and approved by a distinguished committee of senior academic specialists.

Analytical Country Reports and Scores

The core of the study consists of analytical reports for each of countries analyzed. The writers have been drawn from a broad pool of country and regional specialists, all possessing expertise in women's rights, the history and politics of the Middle East, democracy issues, and international human rights standards. The reports are based on a checklist of questions that address the most critical issues of women's rights and freedoms in the region. Additionally, each author received guidelines developed by the methodology committee for interpreting the questions. The narrative reports, each approximately 8,000 words long, reflect the content of the questions and are accompanied by scores that rate each country's performance in the five key areas.

Based on the list of questions provided to the authors, each country's performance is evaluated on a scale of 1 to 5, with 1 representing the fewest and 5 the largest number of rights available to women. The checklist questions are scored individually, culminating in an average score for each of the five key areas that the survey has identified as crucial to women's freedom. Based on the use of identical benchmarks for both the narrative and the ratings, the two indicators become mutually reinforcing. The final result is a system of well-defined comparative ratings, accompanied by a narrative that objectively reflects the legal and judicial, civil and political, economic, and social and cultural conditions in a country, and the degree to which these conditions facilitate or obstruct a woman's freedom to exercise her basic rights.

Together, the scores and the narratives assess the performance of each state by taking into account a variety of factors: the state's actions and omissions; the legal system and its impact on women's rights; the overall political environment of the country; and the actual implementation of laws and official policies. The role of non-state actors who have an impact on the strengthening or weakening of women's rights is also examined, as is the treatment of both citizen and noncitizen women. The narratives highlight both major obstacles to women's rights and the consistent achievements and forward-looking strategies made possible by either the state or the efforts of non-state actors. Finally, the survey presents a human rights and democracy-oriented review of women's needs and priorities defined by women in the region, obstacles and challenges to their freedom, and recommendations for effective promotion and protection of women's rights.

Review by Regional Experts

Upon completion of the country reports by the writers, each narrative report and its corresponding proposed ratings were reviewed and critiqued by a senior advisor. These experts are either native to or have been residents of the countries they reviewed, giving them particular insight into the nuances and factual realities of the country. They are all renowned academics, activists, and politicians who specialize in women's rights, law, democracy issues, gender studies, and sociology. Each advisor reviewed one report, providing feedback regarding the

narrative and assessing the rating scores on both a country level and a region-wide comparative basis.

Regional Ratings Review Meeting and Consultations in the Region

Freedom House convened a special regional review meeting in the UAE attended by the senior project advisors. During this meeting, country scores were scrutinized and debated in a group setting, thereby promoting cross-regional coherence within the scoring process. Moreover, Freedom House staff traveled to Bahrain, Kuwait and the UAE to conduct in-depth consultations with women's rights activists and advocates, civil society leaders, scholars and government officials. These on-the-ground consultations focused on the particular issues assessed in the survey narratives, and the results were used to hone the country narratives and final report recommendations. As part of the research process, the Freedom House staff and report writers also interviewed women's rights activists and legal specialists in Qatar, Oman, and Saudi Arabia.

RESULTS AND RECOMMENDATIONS

The writers were asked to draft concrete recommendations for the improvement of women's rights within the five key areas under review. These recommendations focus on urgent issues and address national governments, international policymaking institutions, and domestic and international women's rights organizations. The core purpose of this survey is to facilitate local and global efforts to empower women in the region; as such, the recommendations are a crucial component of the narratives because they suggest specific, verifiable actions that should be taken to remedy the most pressing problems described in each section.

The Gulf Edition will be widely disseminated in Arabic and English throughout the MENA region and the world. Target audiences for the survey include women's rights advocates, civil society organizations, the media in the Middle East, and policy makers in the Gulf countries. Freedom House will also make the survey easily accessible to international institutions, NGOs, educational institutions, and global media through its website so as to maximize its value for progressive women's rights organizations, activists, and politicians. It is anticipated that the 2009 edition of *Women's Rights in the Middle East and North Africa*, much like its predecessor, will be used as an advocacy instrument by those who are working for the expansion of women's rights and freedom in the region.

INTERPRETIVE GUIDELINES FOR CHECK LIST QUESTIONS

The writers were requested to consider the following as conceptual factors while examining and addressing each survey question, both in the narrative and in the scoring process.

De-jure and de-facto status

For each question, please try to examine both the *de-jure* and *de-facto* dimensions of the situation under study in order to assess the following:

- Existence (or lack) of domestic or internationally recognized laws, policies, and legal protection mechanisms that women can use to advance and secure their rights, including legal institutions, funds, public services, special seats allocated to women, etc.

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- Actual practices within a society – consider acts and omissions of both state and/or non-state actors to negate or ensure women's de-jure rights and freedoms in a country. This survey aims at measuring the *actual* freedom a woman has in a country to exercise her human rights during all stages of her life. Please try to assess the level of *implementation* of laws and policies supporting women's freedom and the obstacles to the practice and realization of these freedoms.

State and Non-State Actors

Please examine each question by measuring the impact of state and non-state actors in facilitating or denying women's freedom. For example, consider the performance of state agents such as prison guards, police, or military who might prevent women from successfully accessing and/or exercising their rights. Also consider acts by non-state actors, such as religious groups who might issue statements to condemn women who take part in politics, or tribe or family members who stop a female family member from benefiting from legal rights accorded to her by domestic law or international human rights standards ratified by the state.

Status of All Groups of Women in a Country

Your report should attempt to review the freedoms of *all* women within a society to exercise their human rights. In your analysis, please consider all ethnic groups, religious groups, cultural groups (including language identity), economic and social classes, urban and rural dwellers, and citizens and noncitizens (including female migrants).

Nondiscrimination and Rights of Women in Comparison with Men

One of the core initiatives of this survey is to examine a woman's right to be free from gender-based discrimination, in all situations, and during all stages of her life. While the overall context of human rights in a country will be noted (e.g. no one has the right to vote in Saudi Arabia – men or women), the fact that women do not have the right to vote is still a denial of a universally accepted right. The status of women's freedom does not always need to be determined in comparison to men. In some cases, women have different and special needs, such as maternity leave or protection from gender-based violence, that need to be taken into account and assessed separately. Finally, the aim of our survey is to show the status of women's freedom in light of universally accepted human rights standards that may or may not be present for the men in a country under review, but nonetheless still remain important in their assurance of full and equal rights for women as human beings.

CHECK LIST QUESTIONS FOR THE FIVE KEY AREAS:

SECTION I: NONDISCRIMINATION AND ACCESS TO JUSTICE

1. To what extent does the national constitution ensure equal rights for men and women as citizens?
2. To what extent do the country's laws and policies provide protection to all women from gender-based discrimination?
3. To what extent do women have the right to full and equal status as citizens (nationals)?

4. To what extent do women have non-discriminatory access to justice in the country at all levels?
5. To what extent are women treated equally in the penal code and under the criminal laws?
6. To what extent are women protected from gender-based and discriminatory arbitrary arrest, detention and exile?
7. To what extent is an adult woman recognized as a full person before the court?
8. Has the government ratified CEDAW, and if so, to what extent is the government compliant with implementing the stipulations of CEDAW?
9. To what extent are women's rights groups and/or civil society actors working freely and effectively to promote the status of women's freedoms addressed in this section?

SECTION II: AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON

1. To what extent do women have the right to freely practice their religion or belief?
2. To what extent do women have the freedom of movement?
3. To what extent are women treated equally in the Personal Status Code (Family Law)?
4. To what extent can women negotiate their full and equal marriage rights?
5. To what extent are women protected from slavery or gender-based slavery-like practices?
6. To what extent are women free from torture, and cruel, inhuman or degrading punishment?
7. To what extent do women have protection from domestic violence?
8. To what extent are women protected from gender-based violence outside the home?
9. To what extent are women's rights groups and/or civil society actors working freely and effectively to promote the status of women's freedoms addressed in this section?

SECTION III: ECONOMIC RIGHTS AND EQUAL OPPORTUNITY

1. To what extent do women have the right to own and have full and independent use of their land and property?

2. To what extent do women have the freedom to have full and independent use of their income and assets?
3. To what extent do women have the right to inheritance?
4. To what extent can women freely enter into business and economic-related contracts and activities at all levels?
5. To what extent are women free to access education at all levels and to be protected from gender-based discrimination within the education system?
6. To what extent do women have the freedom to choose their profession?
7. To what extent are women protected from gender-based discrimination in the area of employment?
8. To what extent do women have gender-specific protections in the workplace, including maternity leave, protections from sexual harassment, and child-care?
9. To what extent are women's rights groups and/or civil society actors working freely and effectively to promote the status of women's freedoms addressed in this section?

SECTION IV: POLITICAL RIGHTS AND CIVIC VOICE

1. To what extent do women have the right to peaceful assembly?
2. To what extent do women have the right to freedom of expression?
3. To what extent are women guaranteed the right to participate in competitive and democratic elections with full and equal suffrage?
4. To what extent are women represented in the judiciary?
5. To what extent are women represented in national government (executive) structures?
6. To what extent do women have to the right to participate in local assemblies and the national parliament?
7. To what extent can women organize and participate in political parties and processes at all levels?
8. To what extent do women have the freedom to full and equal participation in civic life issues to influence policies and decision-making?

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9. To what extent do women have the freedom to access and use information to empower themselves in all areas of their civic and political lives?

SECTION V: SOCIAL AND CULTURAL RIGHTS

1. To what extent do women have the freedom to make independent decisions about their health and reproductive rights?
2. To what extent do women have full and equal access to health services?
3. To what extent do women have the freedom to be protected from gender-based harmful traditional practices?
4. To what extent are women protected from gender-based discrimination in their right to own and use housing?
5. To what extent are women free to participate in and influence community life, policies, and social development at local levels?
6. To what extent are women able to participate in and influence media content, including the shaping of women's images in the media?
7. To what extent are women disproportionately affected by poverty due to their gender?
8. To what extent are women and/or women's rights activists free to advocate openly about the promotion and protection of women's human rights in the country?

SCORING SYSTEM

The survey is comprised of narrative country reports and a set of corresponding ratings for each of the five key areas for the country under study. The ratings should not be taken as absolute indicators of all women's freedom in a country, but as a general assessment of the degree of freedom women have within that country to exercise their human rights. While the opinions expressed in each report are those of the report writer, the ratings and scores reflect the consensus of Freedom House, the regional advisors and experts, and the report writers. Each country or territory's key area ratings are presented in the statistics section that precedes the narrative report. These ratings are meant to help in assessing where, in a country, the most immediate attention should focus to improve women's rights. The ratings also serve to measure whether women's rights have experience setbacks or made progress in a given country since the previous scores were published.

Steps in the Rating Process

The writers have been assigned a checklist of questions for each of the five key areas examined in the survey. Each question from the checklist was awarded a raw score of one to five; the total raw scores from each key area's questions is calculated and averaged. This averaged score reflects a total rating of 1 to 5 for each of the five key areas, demonstrating the degree to which state and non-state actors affect women's freedom within each of the five key areas for that country.

For all of the five key areas and their checklist questions:

A rating of **1** represents a country where women's freedom to exercise their human rights is almost entirely restricted by the actions of state and/or non-state actors. Women have almost no adequate human rights protections and face systematic gender-based discrimination.

A rating of **2** characterizes a country where women's freedom to exercise their human rights is mostly restricted by the actions of state and/or non-state actors. Women have very few adequate human rights protections and they often face gender-based discrimination.

A rating of **3** represents a country where women's freedom to exercise their human rights is sometimes restricted by the actions of state and/or non-state actors. Women have some adequate human rights protections but they are poorly implemented. Women occasionally face gender-based discrimination.

A rating of **4** characterizes a country where women's freedom to exercise their human rights is rarely restricted by the actions of state and/or non-state actors. Women have adequate human rights protections that are mostly implemented. Women rarely face gender-based discrimination.

A rating of **5** represents a country where women's freedom to exercise their human rights is almost never restricted by the actions of state and/or non-state actors. Women have adequate human rights protections that are fully implemented. Women almost never face gender-based discrimination.