

## **Gender and Citizenship in the Arab World**

### **To be or not to be: Arab Women's Legal Existence and Their Compromised Citizenship**

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Report written by:                  Iman Bibars, Ph.D.  
   ADEW's Chairperson

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### ***List of Acronyms***

ADEW	Association for the Development and Enhancement of Women
BC	Birth Certificate
CBO	Community Based Organisation
CDF	Civil Democratic Initiatives Support Foundation
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CEWLA	The Centre for Egyptian Women Legal Assistance
ECWR	Egyptian Centre for Women's Rights
FGD	Focus Group Discussion
FHH	Female Heads of Household
ID	Identity Cards
MOSA	Ministry of Social Affairs
NCW	National Council for Women
NGO	Non-Governmental Organisation
SIGI	Sisterhood Is Global Institute
WASC	Women Affairs Support Centre

## *Glossary*

**Female Head of Household:** A woman who is the sole or major member of the family responsible for its livelihood, who represents the family members vis-à-vis the community legally and socially, or who carries the main family responsibilities inside the household and outside it.

**Arab States:** 22 countries constitute the Arab States, following the Arab League definition.

**Legal documents:** while the name and precise nature of official documentation differed in each country - the *Daftar El Hala El Madaneyya* (civil status booklet) in Morocco, *Awrak Thabouteya* (proof papers) in Yemen, and the *Betaka EL Shakhseya* (Identity Card) in Egypt and *betaket al hawya* and *dafter al usra* in Jordan?? - The explicit focus was on the key documentation which enabled women to access their legal, political, social and economic rights and without which these women's legal existence as full citizens in their state was jeopardized. Throughout this report, the term 'ID cards' is used to refer, generically, to the single most important document that entitles citizens to access their rights. Wherever country specific issues are raised, the document is identified by its national designation.

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## ***I. Introduction:***

The rise of the nuclear family, both a consequence of and coupled with the mass-urbanization of the past century, has resulted in several unexpected and totally new social classes in the Arab world. Although extended family structures remain intact in the more traditional societies as well as in rural areas, in the past several decades research by organizations in Cairo have brought to light the situation of single mothers and Female Heads of Households (FHHs) who have become the primary providers for their families.

These social changes have raised new questions of citizenship for newly independent or aware women across the region. For the woman suddenly thrust into the role of main breadwinner in her household, meaningful legal documentation suddenly becomes the means by which she can secure pensions, better employment for herself, and education for both herself and her children, and remain within the state healthcare system. Thus, in many ways legal citizenship, as embodied in documents such as the Identity Card in Egypt or the Family Book in Morocco, becomes paramount to the FHHs' care and provision of their families. .

The plight of these Female Heads of Households remains primarily an urban, modern, poverty-related issue. However, women in more traditional and rural societies also tend to lack all access to personal legal documentation. Their situation is not as grave as that of FHHs, however, as their traditional families provide for their physical needs, while low population in the rural areas allows for personal recognition as a means of identification.

In our study we observed two trends in the legal situation of women in the Arab world. The first that of destitute FHHs in the more urbanized cultures of Egypt and Morocco reflected a need for identification as a means of legal independence, and therefore existence. In traditional societies such as Yemen and Saudi Arabia it was more the lack of meaningful legal existence for women – effectively second-class citizens – than an immediate physical need. However, such situations merely further the subjugation of these women. Questions still remained at the end of our research as to the legal existence of women in Jordan, where further research must be conducted for more thorough conclusions.

The lack of IDs, access to IDs, or lack of control over them prohibits women from being equal citizens and from accessing their legal and social citizenship rights. Moreover, they do not technically legally exist, leading particularly FHHs to feel disassociated from society and fearful of policemen and the government.

In fact, most women are granted citizenship according to the laws of many states in the Arab world. However, it is here that we see a great divide between this *de jure* equality and its *de facto* reality: the results of this study reveal a definitively gendered implementation of the citizenship laws.

On the other hand, sometimes the challenge that women face is not so much an issue of access to documentation as control over papers more important than personal



identification. Such a distinction is but one of many instances of covert discrimination against female citizenship which we observed, although overt inequity is common as well.

A final obstacle to women's legal existence and full and complete citizenship is the severe procedural complications which hinder women's ability to gain access to their documentation. The women, NGOs, and advocacy groups interviewed all concurred that a simplification of procedures is essential, while governments who will allow women's legal independence should place a special priority in particular on aiding Female Heads of Households, whose needs are primary, in their applications for legal independence.

### ***1.1 The Gender and Citizenship Initiative***

The Gender and Citizenship Initiative was launched in December 2001 with UNDP's publications of a concept paper on Gender and Citizenship in the Arab World.

In March 2002 the second phase of the Gender & Citizenship Initiative was launched with the production of four background papers within the framework of the initial concept paper. These were discussed in an expert group meeting which was organized in Morocco in July, 2002.

The Gender & Citizenship initiative is cost shared in a partnership between the UNDP Bureau for Arab States' Regional Governance Programme (POGAR) and the International Development Research Center in Canada.

The main objectives of POGAR's Gender and Citizenship initiative are:

1. To support research-informed policy debate and dialogue on women's citizenship in selected countries in the Arab region,
2. To raise public and media awareness about the scale and implications of gender inequalities inherent in key legislation,
3. To build the capacity of Arab women's NGOs in networking and advocacy to lobby for policy changes and
4. To build partnerships between women's NGOs and parliamentarians.

The Gender and Citizenship initiative developed by the UNDP and supported by IDRC identified two strategic and immediate entry points to the issue of women's citizenship in the region; nationality legislation and identity or citizenship cards.

### ***1.2 Women's Legal Existence***

This study focuses mainly on women's access to legal identification documents and was launched to explore the nature and extent of the problem of women's legal existence in four Arab countries: Egypt, Jordan, Morocco and Yemen. In Egypt, the problem of women's access to identity cards (IDs) and birth certificates (BCs) was known since the mid 1980s. Several NGOs, led by the Association for the Development and Enhancement of Women (ADEW), have been working directly with women to address this problem while at the same time lobbying to raise

government and public awareness of the situation and its implications. In the other three countries, the extent and nature of the problem of women's access to and control over legal documentation was unknown.

In the Arab states as elsewhere, women's relationship to the state dictates the nature of their political participation, and their ability to fulfil their rights. At its most basic level, this relationship is moderated by the state's recognition of women's existence, their status, and their rights in society. Such recognition is mediated through different types of legal papers, known as identification documents, theoretically available for all citizens. Without such official documentation, a woman – or any person - does not legally exist in the eyes of the State and cannot access his/her legal, political, social and economic rights. In many countries in the Arab world and indeed universally, legal documentation in the form of birth certification or ID cards are the principal means of proof of citizenship which entitles citizens to these rights

While the grave situation of women in Egypt was both known and documented, there was limited, if any, knowledge about the situation in other Arab countries. In the context of the 2002 and 2003 Arab Human Development Reports, both of which underscored the importance of empowering women in the social, political, economic and legal spheres in the Arab world, the issue of women's total exclusion from their citizenship rights was clearly pressing.

In this context, UNDP-POGAR commissioned ADEW to lead a regional study in the four countries named above to explore the nature and extent of the problem, illustrate its impact on women's lives, explore the extent to which policy and decision makers are aware of the problem and make recommendations for raising awareness and addressing the issue in order to ensure women's full access to citizenship rights. Egypt was selected to lead the study (through ADEW) because of its groundbreaking work in the field. In this regard, Egypt participated in the study as an example of good practice.

It is important to highlight here that ID cards or any form of identification documents are really citizenship cards. It is evidence and proof that someone is a citizen and part of a particular country. Thus the lack of an ID card or any form of legal identification document, or the lack of control over such a document if it exists, means that this person cannot exercise her social and economic rights nor has a voice or agency to exercise her political rights. This means that this particular person does not belong and is not a full member of that society, i.e. not a complete citizen.

## ***II. Aims and Objectives of the Study***

The overall objectives of the study were to provide an analysis of the main factors and variables that affect women's legal existence in the selected Arab countries. Also to alert policy makers and the media about the problem of gender inequality, if it existed, with regards to the issue of legal existence and its far reaching consequences on women's equal citizenship.

The study's specific objectives were:

1. To identify the extent and magnitude of the problem in the three selected countries by producing new empirical data on certain aspects of women's citizenship rights and to highlight the perception of the target groups towards the absence of legal papers, the problems that they face and their suggestions to change legal procedures.
2. To research the ability of the selected states in facilitating the procedures required to obtain these papers.
3. To alert policy makers and the media about the problem of gender inequality with regards to the ID issue and its far reaching consequences.

In this report we have tried to: (1) *analyze* the existing literature and define the broad framework of the research; (2) *identify* the extent and magnitude of the problem in a number of Arab States; (3) *elicit* the attitudes and perceptions of the stakeholders towards women's civil citizenship and accessing essential legal papers; (4) *propose* a strategy for action based on the findings, for solutions that leverage encouraging elements and address the barriers to facilitate the success of women's legal existence, civil citizenship and effective systems.

### ***Research Questions:***

Our research questions, although they differed slightly between countries in order to address each society's particular situation as perceived by the participating NGO or advocacy organization, followed these general lines:

- 1) What is the extent and magnitude of access to or control over identification papers for women's status or legal existence?
- 2) To what extent are these papers important or useful? What is the general perception of FHHs of their importance?
- 3) Is it a problem of gaining access to these documents, or is it more one of control?
- 4) What are the challenges that are faced by women, particularly poor, marginalized, single women, in their attempts to apply for their legal documentation?
- 5) What are their suggestions for improving the system?
- 6) Who is aware of the problems that these women face? What is their response?

### ***III. Target Groups***

The principal target group of the study is the 'non-existent' women, women who are theoretically citizens of the state<sup>1</sup> but whose ability to access their rights as citizens

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<sup>1</sup> Women, whose status as citizens was questionable, for example refugee women, were excluded.

was severely hampered by the fact that they do not have their legal papers (lack of access to and control over), such as ID cards. Our focus on the most marginalized groups of women was informed by ADEW's 18 years of experience in working with FHHs and on the issue of women's legal existence. Policy-makers, service providers, donors and NGOs in each country were the second study target group.

#### ***IV. Methodology***

Ideally the research should have entailed a comprehensive review and analysis of all possible stakeholders in more Arab contexts. Practically, as a result of budget and time constraints, as well as the need to cover the 4 countries, this was not feasible. Hence, we developed methodologies designed to provide significant insight into issues rather than comprehensive overview.

This section briefly explains the methodology that was used in carrying out this cross-country research and some of the challenges that were faced. It should be noted at the outset that the methodology was to a certain extent an evolving one, which took definite shape as the study progressed.

##### ***4.1 General Methodological Approach***

Given the complex nature of the variables involved in this research, a multiple case study strategy was adopted. Yin (1994) suggests it is used for "an empirical inquiry that investigates the contemporary phenomenon within its real-life context, especially when the boundaries between the phenomenon and context are not clearly evident" (13). This qualitative approach has been employed here for its descriptive strength essential in throwing light on women's voices and other stakeholder perceptions, as well as its comparative capabilities of various relationships within similar and yet different 'Arab' contexts. This method also allows for comparison and contrast between disparate legal and social situations throughout the Arab World and within similar and yet different 'Arab' contexts. For instance, it was recognized during the course of the study that different forms of documentation in each country proved essential to the legal existence of women.

Overall, the study's framework encouraged respect for differences while at the same time highlighting similarities. Both the particular and the general were examined and are highlighted in the study findings.

##### ***4.2 Geographic Considerations***

As the Arab Human Development Report 2002 has shown, the position of women or their citizenship across the Arab World is an area of deep concern. Nevertheless, as an initial study into this field, its geographic range had to be confined to select states. The purposive selection of the three Arab States - Jordan, Morocco, Yemen - in addition to Egypt, has been informed by a number of considerations. These include:

- Available data on the situation of women in different Arab States. The Human Development Report's (2003) Gender-related Development Index<sup>2</sup> placed Yemen as the lowest ranked Arab country. Although the situation of women in Morocco is better and more gains have been achieved recently such as the new Personal Status law, we wanted to investigate whether changes at the surface or at the top trickle down to the bottom echelons of society or not. In Jordan, we faced a different situation, due to the limited size of the population and the political situation of Jordan, the state has led a campaign in 1997 to register everyone, the question was whether this was done to include women from a gender perspective or for other political reasons.
- Accessibility to data, resources and gender-centered organizations was another factor. Potential hurdles of undertaking such a study within the Arab Region, given the general lack of data and the nascent nature of women's studies and gender research in the region as a whole, were known. Accessibility was therefore a serious consideration in the selection of countries.
- The selection of Egypt was based on the extent to which the State, NGOs, and women's organizations have already recognized the problem and the ways in which it is currently being tackled. The experiences of the NGO sector in Egypt in discovering, raising awareness of, and tackling the problem were used as a baseline for informing methodology. The fact that the National Council for Women and the highest political leadership in Egypt adopted a cause that was raised and lobbied for by an NGO was seen as a best practice that ought to be highlighted and presented.
- Throughout our report we use the legal situation of women in Saudi Arabia in our analysis to highlight the status of women in highly traditional societies that have retained strong family structures with powerful patriarchs. We were unable to conduct empirical research in the country due to a lack of possible partner women's advocacy or non-governmental organizations. However, through emailed questionnaires and interviews with practitioners and policy makers in Saudi, as well as a careful study of the status of female citizenship there, it was possible to include the country peripherally in our findings. Saudi is therefore not one of the main four countries used in our study, but nevertheless highlights many of the main challenges to women's citizenship in more traditional societies.

#### ***4.3 Approaches to Partnership***

Three partner organizations, in addition to the Association for the Development and Enhancement of Women (ADEW) in Egypt which was the main focal point, were selected from a wide scan of potential women's research organizations, networks and NGOs in the three Arab countries. Partners were selected on the basis of their deep

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<sup>2</sup> Gender-Related Development Index is a composite index measuring average achievement in the 3 basic dimensions captured in the Human Development Index- a long and healthy life, knowledge and decent standard of living-adjusted to account for inequalities between men and women.

interest in the issue, previous experience of working on women's legal existence and / or women's rights in their State, and availability throughout the research period. Additionally, potential partners with track records in gender advocacy and links to both government and media in their State were prioritized.

As the lead organization, ADEW opted to work with institutional research and/or activist organizations rather than contracting individual researchers. This approach was adopted, since one of the key outputs of this study is expected to be a wide-ranging campaign throughout the study countries on the issue of women's legal existence and ID cards. Therefore, the selection of organizations as opposed to individuals was informed by the eventual need to engage both government and the general media in each country in the debate, an undertaking that requires institutional resources and profile. Fieldwork was undertaken between December 2002 and March 2004.

The three partner organizations that were chosen to act as focal points for the research in the three countries are<sup>3</sup>:

1. Sisterhood Is Global Institute (SIGI) in Jordan,
2. Global Rights: Partners for Justice in Morocco,
3. And Women Affairs Support Center (WASC) - Civil Democratic Initiatives Support Foundation (CDF) - in Yemen.

#### ***4.4 Data Gathering Processes***

Our methodology relied on the use of a combination of different research methods and tools that were employed with a diverse mix of participants from different backgrounds. This enabled the study of a set of events from various perspectives, and with alternative and often conflicting individual interpretations, thus cross-checking and triangulating data. It also allowed us to gain deeper insight into the often-complex state-citizen relationship. The use of FGDs and in-depth semi-structured interviews with the women themselves in remote, squatter urban and rural areas helped us to gain indirect and informal insights into women's lives.

The data gathering process can be divided into four main phases:

The first phase included the preparation for the fieldwork. A meeting with all partner organizations was held in Cairo in April 2003 in order to reach a common understanding on the overall methodology and methods to be used. Also during this phase the study's tools were devised, mostly comprising of Focus Group Discussions (FGD) and Interview Checklists. A profile on characteristics of target groups and a preliminary review of the literature were undertaken in Cairo covering both Arabic and English literature from various sources.

It was agreed that partner organizations would have a certain level of flexibility, in coordination with ADEW, to modify the tools to suit their own contexts and to choose, besides their target group, the official document that will constitute the focus

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<sup>3</sup> Please refer to Attachment 3 for more details on the partner organisations.

of their research and that is most relevant for women within individual country contexts.

The second and third phases constituted the backbone of the research and encompassed the FGDs and interviews with policy-makers/service providers and practitioners. A total number of 27 FGDs with the principle target group - marginalized women in each country who are least likely to have ID cards (10 in Morocco, 10 in Yemen, 5 in Jordan and 2 in Egypt) - were conducted. Five semi-structured interviews with NGOs and donors, and 4 semi-structured interviews with policy-makers / service providers were held<sup>4</sup>. It was agreed with all those interviewed, especially the women, that their names and identities will be kept confidential. Therefore, the names used for the quotations are fictitious. However, the age and place of origin are real.

The aim of the FGDs was to examine and clarify women's perceptions and needs relating to the issue of accessing legal documents. Since the nature of the problem is not fully understood in any of the countries under study and little research exists in this area, FGDs were used as an entry tool into the issue in order to uncover women's views. This approach was predicated on the research hypothesis that women's own experiences and voices are likely to differ considerably from policy makers' and service providers' perceptions of the situation. It was therefore crucial that women's voices, lived experiences and understanding of their situation be captured at the early stages of the research. A total of 261 women were purposively selected in the 4 countries. Since the aim was to understand the lived experiences of the most marginalized women, purposive sampling was chosen to guide the selection of women for the FGDs. Accordingly, women who participated in the FGDs, presented a range of characteristics, such as: age (between 25-55), Female Heads of Households (FHHs), poor socio-economic background, different ethnic backgrounds<sup>5</sup>, different experiences in getting legal documents and different geographic locations.

Focus Groups met on average twice and included an average of 8-10 participants. They were conducted in a total of 16 locations/communities, primarily urban locations, in Egypt, Morocco, Jordan and Yemen. By using an interactive process to bring out women's voices and encourage them to debate the issue of their legal existence with each other, the FGD served both as a mean for the overall study but also as an end (of discussion amongst the women) in itself. It allowed for an exchange of information and has been very effective in providing information on participants' feelings and concerns in a more informal setting. As the checklist (Annex 7) shows, the discussion largely revolved around women's awareness of the importance of Identity Cards, their perception of its usefulness, the process and experience of getting these documents, the problems faced during the application process, and the type of improvements women expect and suggest which will facilitate broader access to equal citizenship rights and participation. It is important to note however, that while the discussions have revolved around those issues to guarantee some base of comparativeness, they often extended beyond these directed topics.

<sup>4</sup> Table 1 at annex shows the total number of participants by type of method and country.

<sup>5</sup> In Morocco, the sample has included Arab and Amazygyat and in Jordan, participants were mainly tribal Turkuman women.

Interviews with policy makers/service providers and NGOs served to highlight the similarities and/or differences between women's experiences and the official understanding of similar issues and attempted to identify entry points. All interviewees were purposively selected based on the relevancy to the issue at hand and their positions within their organizations. A total number of 12 policy makers/service providers and 5 practitioners were interviewed. As is also noticeable, only Egyptian practitioners from the NGO/donor community were interviewed, while similar activities were cancelled in the other countries due to absence of NGOs who work directly on the issue. The target group of NGOs included ones working specifically in various projects for women or having direct experience of working on the issue of legal documents for women. Policy-makers included those individuals at the national or district levels whose responsibility included setting policies or making decisions that affect women's access to legal documents. For example, they could be working within or linked to the Ministry of Interior, ministries covering certain women issues, organizations collecting national statistics, or linked to other ministries or directorates.

Guiding questions for NGOs/donors differed slightly from that of the policy-makers. While the former focused on harnessing the experiences of those organizations in the field of legal existence of women and their assessment of the nature, causes and magnitude of the issue based on their experiences, the latter focused more on the perceptions of officials of the importance of such legal documents and the processes of receiving such entitlements. Also, while in the former, recommendations focused on improving the situation of women, the latter focused on government efforts thereby giving the research a more holistic view of available expectations and avenues for change.

The fourth phase involved gathering additional data through e-mail interviews sent to various practitioners and policy-makers in randomly selected organizations located in various Arab countries. In addition, the Women's Bureau at the League of Arab States sent our list of questions to policy makers at the permanent delegations of all the member Arab countries.

The purposes of including a more novel and wider range of partners were first, to validate existing data and examine the scope of the problem (if it existed) in a wider mix of Arab countries, particularly since some study findings were not expected. For example, in Jordan, initial findings suggested that the problem of women's ID cards was minimal. In order to test and verify the reliability of this initial finding, a range of NGOs working directly with women in various fields in Jordan were directly contacted to explore their experiences. Several policy makers were also contacted. We also wanted to find out how women and especially FHHs are fairing in other countries even though we were unable to conduct in depth research due to budget constraints. We felt that although empirical research will not be conducted it was useful to get the feedback and perceptions of policy makers and activists on the issue of women's legal existence. This could serve as an entry point for further in depth research and also the beginning of a dialogue with the policy makers and NGO activists in these countries. We felt that raising these questions could in fact alert them to the lack of knowledge



and dearth of research on the issue of women's legal existence and maybe push them towards rectifying this gap.

In addition to the diversity in research methods being employed, one of the main strengths of this research lies in ADEW's previous knowledge and pioneering experience in the area of legal existence of women in Egypt. This has, however, not stopped the research to be implemented in form of a partnership. It is important to note here that the final report was sent to partner organizations in order to first validate and agree on how the findings were presented, and also as evidence of the equal partnership between all organizations.

#### ***4.5 Methodological Challenges***

Methodologically, the study faced the following challenges:

- a. Bias in selection according to convenience (NGOs selected women from their programmes and this affected rural/urban representation for example). An effort has been made to contact different groups through various sources to avoid such bias<sup>6</sup>.
- b. Difficulty of verifying the information gathered from the discussions in the different countries. In order to minimize this problem of validity, evidence has been sought through other organizations which allowed for triangulation and cross-checking of information.
- c. Difficulty in finding quantitative disaggregated data on IDs and Birth registration in the Arab World.
- d. Difficulty with the use of and accessibly to reliable technology for continuous and regular communication between the different partners in this study.
- e. Payment delays by ADEW to other NGOs in the region due to the law governing NGOs in Egypt which prevents them from spending in dollars without the written approval of the Minister of Social Affairs.
- f. Delays in submission of reports by some of the partners, sometimes due to delay in payments and in other cases due to overload of work and engagement in other activities.
- g. The difference in the function and mandate of the different NGOs involved in this study affected and delayed the study at the beginning until a common language and understanding of the issues at hand was reached.

### ***V. Contextualizing the Study***

Notions of citizenship and legal existence are interwoven. Why does this research focus on women's legal existence and how is it related to their citizenship?

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a. <sup>6</sup> See triangulation above.

In this section we will discuss the logic behind our focus on women's legal existence, and delineate some of the problems which arise for women without their own personal, meaningful identification documents.

There are two main reasons why this research has chosen this specific focus. Firstly, women's legal existence is the basis for full and complete citizenship. Women in most societies, and particularly in the Arab World, legally exist in the eyes of the State through their ownership of some form of identification document, for example an Identity Card (ID), Birth Certificate (BC) or a 'Family Book'. Regardless of the name and type of identification, such a document constitutes the basis for attaining basic civil rights, which are necessary for attaining equal individual freedoms to that of the male citizen and a basis for other political and social rights. Furthermore, legal identification papers, particularly in the Arab Region, are one of the means and tools by which people identify themselves and are recognized by others. In most of the countries in the Arab Region, such documents usually include not only the name of the bearer, age, marital status, address but also religion and occupation. In Family Books the names and details of the other members of the owner's family are stated. The absence of such documents thus denies the particular person the right to be counted as a member of society and excludes him/her from full citizenship. In fact without such documents various freedoms are denied outright, such as: freedom to vote, to have a voice and to participate in decision-making processes; freedom of mobility and travel; having access to basic services and employment opportunities; and other rights.

The absence of ID cards and lack of control over other forms of legal identification documents mainly among poor women is only a by-product of a prevailing male dominated and gendered mentality and approach towards the concept of citizenship. It is embedded not only in how states and societies view women and their status but also in how state and society view the basic unit of society. For example, the high rates of unregistered females at birth in Egypt were due to the gendered belief by their fathers that "girls" will not need ID cards like boys, since they will end up under the protection of another male. Gendered citizenship dynamics emerge from the political privileging of the family as a unit and the legal privileging within families of males over females (Joseph 95). In the liberal construct of citizenship prevalent in the western culture, the unit of society is the individual citizen not the family. Individuals are the bearers of rights and responsibilities. In the Arab world on the other hand, the unit of society is the family which is male headed. Women are seen as appendages to their husbands and fathers. Women's roles are limited to the private sphere and men's roles are linked to the public sphere. They are recognized as citizens in the context of their positions with the family as subordinate mothers, wives or daughters (Joseph 1996).

Given the fact that a family is defined as headed by a male and that its voice is the male, this therefore suggests a masculinization of citizenship. The Arab citizen subject is the head of the patriarchal family who has rights and responsibilities towards the state, community and the weaker members of his unit i.e. women and children.

Gendered exclusion from citizenship is then linked to the public/private divide that identifies men's role as being in the public world of politics and paid employment and women's in caring and childrearing at home. Therefore it is not strange or alien to assume that this male citizen should be the only independent legal entity while both the women and children in his family are put on his card, and are dependent on him. (Joseph 2004, Lazreg 2000, Giacaman, Jad and Johnson 2000). This belief that women do not and should not have a separate and independent identity from their male kin still prevails in countries such as Saudi Arabia, – where women did not have separate identify cards, or were put on their fathers' or husbands cards -- until recently. In Morocco, the situation is very similar especially for women on their own, as women have no control over the family registration book.

In addition, issues of self identity and social recognition are relevant to citizenship because of their implications for the capacity to act as a citizen. How people define themselves and how they're defined by others is thus crucial to their ability to act as agents, including their ability to participate in political action and to demand their rights. Legal identification papers are one of the means and tools by which people identify themselves and are recognized by others especially in the Arab region. Lack of IDs thus prevents women from being identified as complete members with their own independent agency and capacity to act.

So what do we mean by women's citizenship and what does it have to offer as a framework for analyzing women's legal existence in the Arab World?

### ***5.1 The citizenship framework***

A large body of literature exists on the different theories and perspectives of citizenship (Oliver and Heater 1994, Lister 1997, Gaventa 2002). In this subsection, we will highlight three perspectives<sup>7</sup> of citizenship, namely: the republican, liberal and communitarian. However, the contemporary debate surrounding citizenship will be considered as a fourth perspective. The Republican perspective has viewed citizenship in terms of people's active identity in politics and their obligation and duty to participate, particularly in military service, and obey the law. The liberal perspective stresses the self-interested autonomous citizen's entitlements to justice and rights. In contrast to the liberal and republican thought on citizenship, for communitarians, the emphasis is on the cultural and the capacity of the group to provide solidarity. Thus, citizenship is derived from a sense of belonging to a group and through community relations.

These traditional perspectives have been criticized on the ways in which women and other groups have been excluded from the traditional practice of citizenship largely on two bases. Firstly, the term 'citizen' has throughout history hidden existing gender-based assumptions under its assumed gender-neutrality. Lister (1997) argues that "the universalist cloak of the abstract, disembodied individual has been cast aside to reveal a definitely male citizen and a white, heterosexual, non-disabled one at that" (66).

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<sup>7</sup> For a more detailed account of the different perspectives, please view Oliver and Heater 1994 and Gaventa 2002.

Such assumptions have served to exclude women and slaves under the ancient Greek citizenship laws. Today such gendered assumptions not only exclude women but also other marginalized groups who may not conform to traditional gendered roles dictated by their community (Meer and Sever 2004: 17).

Secondly, traditional perspectives (republican and liberal) of citizenship have placed limitations on women's participation with serious implications. Lister (1997) argues that both traditions have limited the participation of women, where the Republican tradition has limited her actions to the private sphere, the Liberal tradition has rendered a married woman as legally subordinate (69). As argued earlier, such underlying assumptions of the public-private sphere have several implications on women's citizenship. Meer and Sever (2004) argue that it results in: women's concerns being seen as 'family' or private but not as a public issue, the common good is framed in the interests of men and powerful groups, and women are not considered as actors (18-19). Given such definitions and positioning of women, it is not surprising that women's access to the public sphere through identification papers be mediated through the male kin. In that sense, women are seen not to be complete citizens as they do not have the same agency or public presence.

The contemporary perspective of citizenship has attempted to overcome the above-mentioned critiques and offer a more inclusive form of citizenship for women by balancing relativism with some sense of minimum universalistic values. It attempts to reconcile the antagonisms between the traditional perspectives through the concept of 'active citizenship' and 'human agency'. Many writers of this school of thought rely on Marshall's (1964) three elements or components that constitute citizenship. Thus, civil citizenship relates to personal freedoms and the justice ensured by the courts and the judiciary system. Political citizenship relates to the opportunities to participate in politics and communal decision-making and social citizenship relates to the adequate standard of living assured by education and social and welfare services. (Marshall 1964: 71). Thus, his conceptualization of citizenship, while not a universal account, has made the notion of citizenship more inclusive by broadening the 'rights' to include social rights. Thus a complete citizen must have access to civil, political and social rights. The absence of identification documents prevented women as we will show later, from accessing their civil, political and social rights, thus according to Marshall's theory and definition of citizenship, they are not complete citizens.

Women's citizenship was also compromised if we applied the agency and active citizenship definition, for women have no voice and cannot vote if they do not have IDs as in Egypt or registry and civil status books as in Jordan and Morocco or if they are denied that right totally as in the cases of Saudi Arabia and Kuwait.

It is believed that the concept of citizenship is relatively new in the Egyptian and Arab modern thought. El-Tahtawi and Taha Hussien; from the "old school", were among the pioneers who tried to describe and work on this concept. El-Tahtawi wrote about the nation, citizenship, and the citizen with his rights and duties. Among the modern thinkers there was Salim Qalada and Tarek El-Beshri who addressed the issue of citizenship and citizen's rights. However, they really focused on the historical relationship between Muslims and Copts in Egypt as the basis and framework to test, assess, and describe the concept of citizenship (Morcos, 3 and 32)

In spite of these efforts, nonetheless research and studies on citizenship has been rare in Egypt and the Arab World. This is attributed to the absence of concern with the democratic process and systems in many of the Arab countries (3).

The concept of citizenship is the result of historical accumulation of experiences and in the West it resulted from attempts to reach and establish a democratic political system. In the Arab world, this concept was closely related to historical attempts to gain independence from foreign occupiers. This “nationalistic” and “struggle” basis for the rise of the concept of citizenship resulted in a different definition and understanding of this concept. It associated this concept with struggle vis a vis the imperialist occupiers, a claim that was later used by different Arab governments to curb and repress citizens’ rights for freedom of expression and democratic practice (Morcos 11). Morcos, argues that historically practicing citizenship in Egypt for example passed through a number of stages and had different connotations and implications. It began with Mohamed Ali who imposed it from the top down; he adds that the 1919 revolution was an expression of political citizenship that was soon demised. During the period from 1952 – 1970, the social aspect of citizenship was promoted. From 1970 until 1981, Morcos argues that citizenship rights and the concept of citizenship disappeared especially when the political movement took a religious color. Finally, he argues that since 1981 and especially during the last 3 years there is a serious effort to resurrect and revive the concept and practice of citizenship. Similar to most Arab and Egyptian writers, Morcos was also concerned with citizens’ political rights. Minorities and their rights for complete citizenship were limited to Coptic, Berbers, and kinds of other ethnic groups. Women and their citizenship rights were not addressed, women as unequal citizens was not a topic considered for further research or study.

In all these attempts at defining and studying the concept of citizenship and theories from an Arab and Egyptian perspective, the citizen was seen as a “neutral” being, thus ignoring the gendered nature of implementing and practicing citizenship rights. (Gomaa, 3-11).

Syam 2003 argues that the rising interest in the concept and practice of citizenship is related to the economic, social and political changes, which the Egyptian society experienced since the mid 70’s. The demise of the Nasserite welfare state which coopted and substituted individual citizenship rights with a comprehensive system of service delivery and the withdrawal of the state was one of the main reasons behind a rising interest in rights as social, educational and economic services to the people were dramatically reduced.

In spite of the return of pluralist system after decades of an authoritarian regime that prevented the people's participation in decision making – nonetheless, this new more open political system was still controlled and a complete democratic system and process was not installed. Which begs the question of the citizenship rights of those who did not belong to the “main” governing political party (10).

On the other hand, the rise of political Islam and its increasing influence and control over syndicates, education, and social services, led to the rise of a controlling and

fundamentalist approach to free and secular thinking that reached the extent of accusation of atheism in cases of disagreement and also led to an increased religiosity and sectarianism. It is agreed that this move towards Islamic fundamentalist was not limited to Egypt but spread to many other Arab countries.

Finally, Syam addresses women's citizenship rights and argues that women in Egypt have not yet acquired equal political and civil rights. The secondary status of women and their inaccessibility to equal political, economic and social rights as the men, led to their reduced citizenship. We add that this was the situation in most Arab countries as well (see indicators on women's political participation in Arab Region in the Human Development Report) (5-10)

Shaheen 2003, argues that although Bernard Lewis claims that there is no equivalent to the word citizenship in Arabic, nonetheless all religions, including Islam, played an important role in developing this concept through promoting values such as equality and justice. Islam also succeeded in moving individual loyalty from the small circle of the tribe to the wider circle of the Umma and a universal religion.

He argues that Islam provided a much broader and global definition and parameters of citizenship not limited to the "nation state" but to the Umma of Islam. Shaheen argues that although Samir Amin and Ahmed Arkon claimed that the Islamic political system was not based on the practicing of legal rights by its citizen. However, he adds that the "social contract" granting full citizenship rights in Islam was not between state and individual but between representatives of the religion and the individual. It is based in the religion belief. The role of the state in the Islamic discourse on citizenship and the state is not central and its role is relevant only as much as the state adheres to Islamic beliefs and Sharia.

The modern Islamic discourse on citizenship focuses on the rights of the Muslim and non Muslims. The concept is not tackled from the perspective of "democratic procession" but from the equality angle – equality between Muslims and non-Muslims with regard to political and social rights (10-11)

However, although Shaheen argues that the rights of the Muslim often granted by the modern Islamic discourse doesn't differ from the western concept – yet he too did not delve into the gendered nature of such citizenship and whether females have the same rights and access to their rights as their "Muslim male citizens" (11, 12)

The absence of identification documents has prevented women, as we will show later, from accessing their civil, political and social rights, thus according to Marshall's theory and definition of citizenship, they are not complete citizens. Women's citizenship to have also been compromised if we applied the agency and active citizenship definition, for women have no voice and cannot vote if they do not have IDs, as in Egypt, or registry and civil status books, as in Jordan and Morocco, or if they are denied this right completely, as in the cases of Saudi Arabia and Kuwait.

## *5.2. The importance of this study*

It is important to highlight here that the literature on citizenship in general rarely dealt with or addressed deeply the intersection between gender and citizenship except recently. However, even when feminist writers began to tackle the gendered nature of the state they used cases, causes and issues that are Middle class in nature and approach. They addressed issues such as women's right to vote, run for office, rights to transfer citizenship to siblings and spouse, family law and freedom of transactions (Joseph 1996, 2000, 2002, Kabeer 2002). None of them addressed the mundane and essential issue of legal existence which is at the basis of all basic rights. Very few if any of them addressed issues of legal representation or dependency from a legal point of view.

Bibars (2001) examines the impact of Female Heads of Households (FHHs)' access and control over their IDs, on their relationship with state institutions, on their attempts to access resources in Egypt and the impact of lack of identification papers on their citizenship. The Association for the Development and Enhancement of Women (ADEW) (1987, 1990, 1994, and 2000), the Center for Egyptian Women Legal Assistance (CEWLA) and the Egyptian Center for Women's Rights (ECWR) (2004) have documented the various difficulties faced by Egyptian women with no IDs, while claiming their civil rights. Few other sources have examined the issue in other Arab countries such as Saudi Arabia. MOSA in Lebanon, and official reports to this study from the Permanent Delegations to the League of Arab States, namely UAE, Bahrain, Kuwait and Syria all stated that no studies on the subject were carried out in these countries.

The dearth of studies and literature on the absence and the gendered nature of identification documents, or on the centrality of legal civil status documents and who control them on women's citizenship, demonstrates a Middle class and ethnocentric bias and a neglect and lack of interest in the needs and challenges facing poor and marginalized women especially female heads of households (Bibars 2001). Concern with capacity and voice by feminist writers to date was limited to Middle class concerns. Women's inability to vote, have access to education or free medical care were attributed to state discriminatory laws, lack of awareness and other key factors such as tradition, religion and culture. Although these factors are important and do impact women's citizenship, it is also true that women's lack of access to and control over legal identification documents is a major factor in women's weak political participation, a factor that has been neglected in the literature to date.

Therefore, this regional study is addressing a topic that is important to a group of voiceless women who have not yet been heard in their own countries. The multi-level approach that we are using, which caters to the opinions and perceptions of women, policy makers and NGOs adds to the depth and quality of our findings. This research also opened new channels for cooperation between different types of NGOs (activists/practitioners and research institutes). It is important to note that this is an exploratory study attempting to expose an issue heretofore not examined in any of the study countries. The research with both its strengths and weaknesses represents a first stage in a wider effort to better highlight and comprehend the problem of women's access to their citizenship rights and the recognition of their legal existence in the Arab

World. The findings should be viewed as a starting point for further investigation into the realities of women's marginalization, women's voices and their lived experiences,

## ***VI. To be or not to be: Do Arab Women Exist?***

This section is divided into two sub sections. In the first subsection, we respond to a number of questions that have to do with the women themselves, their access and control over legal identification documents, challenges and obstacles they face to access these documents and how this affects their status and citizenship. Our findings cover issues such as the legal setting and laws governing women's legal rights, the extent and magnitude of the problem in the selected countries, and how this affects the different aspects of women's citizenship rights. This part describes how women perceive these identification documents and how they became aware of the centrality of these documents to their legal existence. We have based all our findings in this section on the FGDs and the semi structured interviews held with the women in the different countries

In subsection two, the findings show and analyze the degree of awareness of the policy makers, the academics and the media about the problem of gender inequality with regards to the presence or absence of the different legal identification documents and its far reaching consequences.

In conducting this study we used the "case study" method as explained earlier. However, in presenting our findings we will use a comparative framework in order to highlight similarities and differences. We will also try to answer and respond to the research questions and assess whether the research hypothesis was valid or not.

### ***Subsection one: the women and their IDs***

In our findings in this sub section we will

- Describe the legal setting within each country and highlight our findings with regards to women's legal existence in the different Arab countries.
- Discuss which legal identification documents we studied and why these documents are important from the women's point of view.
- Attempt at showing the magnitude of the problem and how well known it is.
- Describe the challenges and barriers that poor marginalized FHHs face in accessing or controlling their identification papers.

#### ***A. The legal setting***

The basis of women's entitlements to official documentation in front of the law lays both in the national constitutions (the highest laws of the country) as well as in civil laws. This section will analyze some of the laws that are relevant to governing the processes of acquiring civil citizenship status within the national contexts. We will also show how the absence of laws to protect women's access or control over legal



identification documents could be in violation of international agreements such as The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Several studies showed that different laws especially personal status laws, social practices and institutions have privileged a masculine citizen (Moghadam, 2003). In this study, we mainly focus on how in some countries, the absence of regulations and/or laws that protect and ensure women's legal existence and their equal ability to participate in the public life have compromised their citizenship in some countries.

In all countries under study, the national constitutions recognize the equal rights of all citizens before the law. Morocco's Constitution (Article 5) states that all Moroccans are equal in front of the law. Yemen's Article 40 of the constitution stipulates that all citizens are equal in rights and public duties. In Jordan's constitution, Article 6 specifies that all Jordanians are equal with no discrimination in rights and duties on the basis of race, language or religion.<sup>8</sup> Article 40 of the Egyptian constitution specifies that all citizens are equal before the law. They have equal public rights and duties without discrimination between them based on race, ethnic origin, language, religion or creed. Hence the constitutions of the four countries have entitled equality of status to citizens.

Moreover the civil laws governing women's access to official documentation, such as identification documents and Birth Certificates, do not discriminate based on gender in the countries under study. The laws specify the rights and duties of citizens with regards to obtaining and demanding the documents. For example, for Yemeni and Egyptian citizens, the two laws *Kanoun El Ahwal El Madaneyya*<sup>9</sup> similarly stipulate the rights of citizens to obtain an Identity Card at the age of sixteen (Article 49 in the Yemen law, Article 48 in the Egyptian law). The following examples of civic duties for Yemeni and Egyptian citizens are stipulated by the laws: first, citizens of legal age have to obtain their ID cards within a specific time frame (3 months in Yemen and 6 months in Egypt). Second, the citizen has to carry his/her ID card at all times and to show it whenever required. Third, citizens are responsible to report losses and damages to their documents within a certain period of occurrence. The laws impose various penalties on citizens who do not uphold it, which range from paying a fine to receiving a jail sentence; however, women are not penalized if they do not carry an ID.

In the four countries studied, procedures for obtaining legal documents are also outlined in the laws. This indicates an existing enabling legal framework, however, if these laws are not implemented, then an enabling environment is clearly not sufficient.

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<sup>8</sup> For the Moroccan, Yemeni and Jordanian Constitutions please view <http://www.amanjordan.org>.

<sup>9</sup> Please view the Yemeni Kanoun El Ahwal El Madaneyya no. 23 of 1991 and no. 23 of 2003 with (modification to article 21). For Egypt, view and The Kanoun El Ahwal El Madaneyya law no. 143 of 1994 and its ministerial decree no. 1121 of 1995.

In the Arab countries studied, the civil law guaranteed in theory women's rights for an ID card. However, the problem in such cases was in the implementation of these laws. For example, men in Egypt and Yemen are penalized when they do not have IDs; women are not. Monitoring and ensuring that men have IDs is a tool used by the state to ensure men's drafting to the army. Since men are seen as the protectors, their legal existence is seen as essential and important while women's lack of ID is not important as they are the protected. So basically, monitoring is done for the benefit of the state and not of the citizen, although the citizens' life is compromised without an ID. Such male dominated and gendered implementation of the laws shows that women are still perceived as secondary and not as equal citizens.

On the other hand, up to 1999 Saudi women did not have the right to have an ID card. A senior Saudi official was quoted saying that only in recent years and under emergency cases would a Saudi women need an independent ID. As far as he is concerned, women should not be a separate entity from their husbands or fathers. And although, in 1999, a decree by the SA minister of interior granted Saudi women the right to have their own independent identity card with their picture; yet the law was not implemented until 2002. However, even when women did have a legal ID paper, the officials at the public and private sectors in SA did not recognize it. (Ukaz, 2002, Zad news on internet 2004)

In sum, although national laws and decrees, in some Arab countries, promote and call for women's independent and equal access to identification papers, in reality due to traditions, habit, and male gendered societies, women are denied that right. Therefore, de facto national laws are being violated in implementation, and so are international laws and ratified conventions. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) provides one basis (besides National Constitutions) for realizing equality between women and men through ensuring women's equal access to and equal opportunities in the public sphere, including education, health, employment, and politics. The convention, adopted by the United Nations (UN) General Assembly in 1979, consists of 30 articles that define women's human rights, as well as discrimination against women, and presents an agenda for national action to end such discrimination.

Article 1 of the declaration defines discrimination as:

*“any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”*

Gender discrimination in access to legal and official documentation is one example that violates the article above. This research differentiates between two forms: overt and covert discrimination. An example of overt discrimination is the case in which a citizen may be blatantly excluded, on the basis of sex, from equal legal rights with regards to the laws that entitle him/her to official documentation or to civil rights. In the case of covert discrimination, the citizen is discriminated against if, for example,

he/she are entitled by law to access such rights but the procedures and regulations in place do not facilitate and place restrictions on such a right.

Few sources highlight that both types of discriminations in access to official documentation are evident across the Arab States against various women from different backgrounds. An example of blatant exclusion of women was the case of Saudi women as was explained earlier.

CEDAW also stipulates clearly in article 15 part IV that “states parties shall accord to women equality with men before the law”. The Convention further clarifies that “states parties shall accord to women in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contract and to administer property and shall treat them equally in all stages of procedures in courts and tribunals” (article 15, part IV). Therefore if women do not have the legal papers that provide them with the agency and capacity to perform such legal matters then there is a clear violation of this right.

Historically in Egypt, women used to be put on their fathers’ and then their husbands’ identity cards, which created a great problem when they were left to fend for themselves as FHHs. It was believed that since women are not independent economically or socially from their male kin, there was no need for them to have their own identification papers. In Saudi Arabia, the situation remains the same and in other Arab countries including Jordan and Morocco the registry book or civil status book which is the main and an essential legal identification paper remains in the name and controlled by the males in the household.

Laws in Saudi Arabia go further in their discrimination against women and in violation of CEDAW as women are unable to conduct commercial transactions without a male agent especially that even though now women can have IDs, the majority still do not have it. In Kuwait for example, although the issue of legal papers and IDS is not a problem for Kuwaiti women, yet Kuwaiti election law denies all women the right to vote.

These restrictions on women’s rights to freedom of mobility, expression, ability to vote and to stand for election undermines their agency and ability to participate equally in public life and thus diminishes their citizenship (Kuwait; promises betrayed – discrimination against women, human rights watch). And these limitations and restrictions of Kuwaiti women’s access to public service violate the CEDAW articles

Interestingly of the 22 Arab States, sixteen countries have ratified CEDAW. For example, Egypt has ratified the convention in 1981, Jordan in 1992, Morocco in 1993, and Yemen in 1984. Furthermore, while most Arab States have ratified the convention, they have placed reservations on particular articles (mostly Articles 2, 9, 16, 29) of the declaration on the grounds that it is not congruent with religion, tradition, and Islamic Law *Sharia*. Three articles are of particular importance for this study: Article 2, Article 16, and Article 15. The former two articles are of importance as they stipulate the actions that are to be undertaken by States where discriminatory

acts against women occur, while the latter article's importance stems from its guarantee of equal legal rights to both sexes.

First, Article 2 of the convention states that "States 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", culminating in a specific list of the policies which States should undertake.

Though Arab States have placed a reservation on the basis that it is not congruent with Islamic Law *Sharia*, this article is central to the convention, whereby it dictates the duties of the State to implement measures to eliminate discrimination against women, such as the type that has been described above in violation of Article 1. Placing a reservation on such an article clearly conflicts with respecting article 1 of the convention, with the basis of the entire document of the convention, and with equality principles upheld in State constitutions.

The equal legal existence of women in the Arab Region is negatively affected by placing such reservations. Where women might lack their right to official documentation and where legal procedures in reality might be discriminatory to women, reservations on article 2 limit the capacity to resort to international human rights law to demand accountability. Clearly withdrawing such a reservation would force States, for example as article 2 states, "to take all appropriate measures, including legislation to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women". Such a step would surely provide an enabling environment for women to attain their rights and to hold their State accountable.

In sum, any violations of the articles of CEDAW constitute an act of discrimination against women's rights as equal citizens. The reservations placed by Arab States particularly on Articles 2 and 16 are detrimental to upholding equality between the sexes and amongst others may lead to diminished State accountability, loss of women's agency and ability to act, loss in women's equal legal protection and finally to unequal power relations within the private and public spheres.

In this subsection, we looked at the national and international legal settings that provided protection for women's legal existence in theory and showed how the implementation was gendered. In the next subsection we will describe the different types of legal identification papers within the specific countries under study and demonstrate how important and detrimental they are for women's survival, existence and exercise of complete citizenship rights.

### ***B. Describing the legal documents and their importance***

At the onset of this study we were focused on what we identified as the Identity Card. However we found that the legal identification document defining and describing the bearer is different from one country to another in the Arab world. Further research and consultation lead us to agree that we should focus on any sort of legal identification document which really defines the person in her own eyes and in the eyes of the community and the State. We wanted to study the impact of the absence

of an identification document on women's access to services and on women's ability to exercise all their political, economic and social rights as complete citizens.

We found that it was the identity card in Egypt, Saudi Arabia, and Yemen and that it was the civil status or family book in Morocco and Jordan respectively. We also discovered that due to the different terms used to describe this essential document, there is a belief in many Arab countries that there is no problem with women's access to and utilization of such a document. This demonstrates the importance of terminology and its use, and thus the need to develop a common language among the women's groups and activists in the Arab world.

The importance of the identity card for verifying the identity of its bearer is as important in Yemen as it is in Egypt. Persons in Yemen without an identity card can be penalized by the state and are unable to access the state's social and economic services, and cannot get employment in the formal sector. However, as mentioned earlier and similar to Egypt, we found that having an identity card is not obligatory for women and therefore unlike men, women without identity cards are not penalized. We also found that due to the traditional and rural nature of many of Yemen's governorates, they still rely on personal recognition during the elections and for accessing services; therefore, women who do not have identity cards have not yet faced the same problems and challenges that women face in Egypt.

In Jordan, there are several different types of documents which interact and which are interconnected. These documents include: the birth certificate (shehadet el milad); the Family Book (daftar el 'aella); the ID card (el haweya – not to be confused with haweya for Palestinian refugees); and the National Number (el raqam el watani). All these documents excluding the family book, were in the name of the bearer. However, the family book was commonly in the name of the male head of the household.

Asked about the importance of these documents, Jordanians working in NGOs offered the following comments:

*'They are the key to existence in this country. They are crucially important. Without my haweya, I cannot do anything. Every dealing I have with the government depends on it.'*

As in Egypt, it is the birth certificate which forms the basis for obtaining other documentation. However, it should also be noted that the importance of the Family Book cannot be underestimated. The Family Book in Jordan is the key document for obtaining health cards for the family. National Numbers, introduced in 1997 are now also included on the Haweya and the Family book.

In Jordan, the range of services to which these documents provide access include: registration of newborn children and registration of children in schools (both of which necessitate the parents' National Numbers), access to credit, micro-credit or banking services, access to social security / social insurance benefits (for which a separate card is produced. The social insurance card requires the Haweya and National Number), access to government health services (for which a separate health card is produced based on the Family Book), access to employment (for which birth certificates and

Haweya are required), access to work based health insurance (for which the Family Book is required), access to legal services, ability to produce a passport, access to government buildings in some cases. Because the different documents were used to access different services, the lack of control by women in Jordan over the family book was not felt. In case of the absence of the male who controls the family book, access to different health services becomes problematic. Procedures for having a new family book in the name of women was not common and not too many respondents were able to pinpoint the strength and weakness of these procedures. Some NGO officials said it was not a problem, and others said they have not thought about it. However, neither the researchers in Jordan nor any of our informants through the internet or the Arab League knew of one case where a poor FHH changed the family book in her name. We believe that there is a need to conduct further empirical research on this subject and to focus on poor, uneducated and marginalized Jordanian female heads of households.

In Morocco, as in Jordan, the most important legal document for representation is the registry book or what is known as the civil status book (*Daftir al Ahwal Al Madaneyya*). This is an official document concerning the family and it includes the husband's information and the information on all of his family members. This document is essential to access services; however, it is in the name of the husband and is given to him. Only in very exceptional cases do women have a copy of it.<sup>10</sup> Even if the woman is divorced or widowed the document remains in the name of the husband and only if she is an unwed mother does she get her own document accompanied with the social stigma due to her unaccepted status.

The civil status book of Morocco is essential for women's access to many other legal papers and services including the ID. The FGDs carried out by the Moroccan team in five provinces with five Community Based Organizations showed that the civil status book is the most important legal document for them and that which affects their lives (88%). The fact that it is in the man's name and in his possession undermines a woman's status and independence especially when she is separated from him. For a woman to issue a national security card, she needs a number of legal papers that she cannot access without the civil status book. Also in order to get an administrative resident certificate proving her address and location in order to get other necessary permits, employment and services (such as passport or national security card) a woman must have the original civil status book, physically in her hand. The lack of such a legal document (similar to the ID in Egypt) prevents women from having access to subsidized free medical care or government supported and subsidized legal assistance in courts. However to access a copy of this document in cases of divorce, separation and/or desertion by the husband, entails a long and complicated legal process that is too cumbersome for many women especially in low income areas (FGDs). The underlying assumption is that families as the unit of society is headed by the male and all others are dependents. Such a gendered approach to family structure is no longer valid and must be changed. It is such gendered assumptions about women's status and roles within the family that compromises their citizenship.

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<sup>10</sup> This was mentioned by a number of respondents but not verified. We do not know how often women have control over such a document.

One woman from Akadeer Morocco, aged 40 years said

*The civil status book is vital and very important to me and my existence. As a divorcee I was deprived from it. I am ready to do anything to get it, not only for myself but for my daughter. I hope that she does not face the same challenges and deprivation that I faced.*

In Egypt, birth registration, marriage and divorce certificates and Identity Cards (ID cards) are essential documents in dealing with the State and with all official and non governmental agencies. Without these essential personal legal documents, services and rights are curtailed and may be totally inaccessible. In Egypt, this study focused on both the ID card and the birth certificate and explored the relationship between them with specific attention paid to those women who were not registered at birth and who therefore faced the toughest hurdles in obtaining their ID cards.

Institutionalized gender discrimination and prevailing social attitudes in Egypt have combined to deny many women access to this essential legal documents. Through its long experience of working in the poorest slum areas of Cairo, ADEW has discovered in 1985-87 that close to 70% of women in Manshiet Nasser and other squatter areas lack legal documentation without which their access to schooling, medical services, pensions, social security systems, public housing, voting rights, political participation and a myriad of other services and rights is denied. Legal documentation is a citizen's proof of legal existence.

While the lack of an ID card is in itself a serious problem, even more significant is the fact that many women lack ID cards precisely because they were never registered at birth. Birth registration and a birth certificate are essential requirements for obtaining an ID card. Thus, while the ID card is the key entry point to accessing social, political, legal and economic rights, it is the birth certificate which provides the crucial proof of citizenship upon which the ID card is later based.

In Morocco and Egypt, lack of these documents prevents women from enrolling in and obtaining certification for literacy programs or any other form of continuing education courses, thus marginalizing any adult learning initiatives they undertake and preventing them from applying such learning to improve their lives and those of their children.

As mentioned earlier, without an ID card, a woman cannot access pensions, cannot enroll her children in school, and cannot file a complaint with the police. But more importantly, without legal documentation, women are unable to work in the formal sector whether public or private. Instead, these women are pushed into working in exploitative jobs in the informal sector, without adequate pay or benefits. Finally, one cannot obtain an election card without an ID card, further impeding women's political participation.

It also prevents them from accessing small loans and other credit schemes for which proof of identity is a base requirement<sup>11</sup>, again curtailing both their economic security and their economic independence. In addition, without legal identification papers, women cannot raise a court case in cases of assault or any other criminal offence thus limiting or denying their legal rights.<sup>12</sup>

While lack of ID cards is perhaps the best known and most widespread of the legal documentation issues, it is also the case that many women lack marriage certificates, divorce certificates or death certificates for their husbands. Without a marriage certificate, a woman who wishes to divorce or file for alimony is legally blocked.

### ***C. The situation as per our findings***

In this section we identify three main trends relevant to women's legal existence. First, the findings show that the need for IDs is not felt by women unless they find themselves alone and in need to fend for themselves, mainly female heads of households who are poor and without any family support. Secondly, the findings also show that diminished citizenship is not only an issue of absence or lack of access to these legal identification documents such as in the cases of Egypt and Yemen, but an issue of control over these documents as well, such as in the case of Morocco. For in many cases women got registered and acquired one form of legal identification document. However, the main or more important document was in reality controlled by their male kin.

Thirdly, we also found that the issue is larger than abstract recognition of women's legal existence and reaches levels where their existence is recognized in blatant unequal terms and in some cases they were not even given the right to have a separate card (Saudi Arabia). It is important to highlight that we began this work with the assumption that the implementation of laws and regulations is gender blind in most cases and that it neglects women's presence due to a male gendered perception of women's roles but we also found that in some cases the rules themselves are gendered and discriminatory.

#### **1. Who are the women most affected by the absence of legal identification papers:**

The problem of lack of ID cards for women in Egypt was first recognized among female heads of households (FHHs) who were their family's legal, social and economic representatives within the community<sup>13</sup>. It was when these women were forced to interact directly with government services that their lack of legal documentation, essential to undertake any official transaction, became apparent.

The findings of this study in the four countries show three main channels through which women in the various contexts, after they became FHHs, have become aware of the need to obtain legal documents. These channels included: first, interface with

<sup>11</sup> Some NGOs such as ADEW provide credit for women without proof of identity.

<sup>12</sup> (Interviews with ADEW staff, women in Manshiet Nasser, and FGDs in Masr el Qadima).

<sup>13</sup> Heba El Kholy, 1985 ADEW



services that require legal documentation, usually in the absence of the male household head. For example, some women in Morocco became aware of its importance when they tried to access various services such as: adult literacy programmes, enrolling children in schools, access to health services, commercial activity, and registering a house. In Yemen, women needed it for their employment, voting and when registering in programmes and traveling. Similarly in Egypt, women discovered the need for the ID card when they wanted to collect their husband's pensions, start employment or when their husbands abandoned them. Secondly, women recognized their need for an identification document when they interacted with family, friends, neighbors, and police. A woman in Egypt, for example, had never considered the need for an ID card though she did have a BC. When her neighbor recounted how she was now collecting social security because she had obtained her ID card, Um Ali also decided to obtain one. In Morocco, a woman became aware of the importance of legal documentation only after being stopped by the police and asked for identification. Finally, participating in NGO activities specifically designed to raise women's awareness of the importance of ID cards and BCs was found to be one of the channels through which women learned about their need for such papers.

Soad, a divorced woman, 33 years from Dar El Salam in Egypt had also never considered the need for an ID card. However, she was taking out a loan from ADEW which was offering a seminar (nadwa) on legal papers and Soad decided to attend with her friend. She was surprised to learn how important an ID card could be and how it can improve her life.

It is noteworthy that the findings have revealed that women largely remain unaware of the importance of legal documents, and further do not seek them, in the presence of the male head. It is amongst divorced, abandoned and widowed women that awareness levels are most high. This is precisely because male family members, if present, negotiate women's rights in the public sphere on their behalf, confirming the findings of previous studies, as in the case of Morocco, Egypt and Yemen. Hence, it is usually in the absence of the male head and due to personal need that women become aware of its importance through their interaction with the various state institutions. The role of NGOs in raising women's awareness of the importance of legal documentation is also crucial and comprises one of our recommendations at the end of this report.

It is possible that the lower prevalence of female headship in Jordan may, in itself, be masking an issue which has yet to manifest itself. As the report by SIGI indicates, female heads of household may be most inclined to ensure that their legal documents are up-to-date in order to access the services and benefits to which they are entitled. This line of argument can and is, of course, equally applicable in Egypt. Indeed the fact that the problem of lack of documentation becomes most apparent when women are heading their households is precisely because it is at that point that they most need government services and benefits thereby recognizing the value of legal documentation. However, in the context of the political and legal situation in Jordan, it is reasonable to assume that, in general, there is social, legal and political impetus

for possession of individualized legal documentation for both men and women. Therefore, the extent to which female heads of households lack legal documentation is likely to be minimal. It is also possible, that given the tribal and traditional nature of the social and family ties in Jordan, women are rarely left to fend for themselves. It is a fact that societies in both Egypt and Morocco tend to be more urbanized and social safety networks weaker than in Jordan and Yemen.

In both Egypt and Morocco the FGDs were held with FHHs as it was felt that they were the most vulnerable groups who suffer from absence or lack of control over the different legal identification documents. The team in Morocco found that the problem is more complicated when the male is not physically present and when he refuses to give his former wife a copy of the civil status document. Women in Morocco might have their own identify card, but the *daftar Ahwal Madaneyya* is in the name of the husband and is controlled by him. It is very difficult and costly to have an official copy of this document and his consent is needed.

In Morocco 88 out of the 93 participants in the FGDs agreed that the civil status book is essential and very important for their survival. 98% of the women said that they are unable to cope with many problems because their spouses disappeared or refused to give them a copy of the civil status document. The 2% who did not feel that the civil status book was very essential either had their unemployed spouses living with them or were given a copy of the document after the divorce.

In Yemen, it was found through the FGDs and the research that the absence of a legal identification document among some of the women interviewed is also due to their self-exclusion. Many of the women did not understand the implications of not having an ID, and many fear dealing with the state in any way. Due to the low level of education and public knowledge, many women opted for not having an ID card. The fact that many poor and illiterate women do not go to school and do not work in the formal sector obscured their need for a legal identification document. To date traditional family structures, such as the extended family, prevail especially in the rural areas. Therefore, when a woman is left by her husband she goes to live with her family and therefore does not feel the need to have a separate identification paper. Women's access and participation in public life is still limited in Yemen and especially among the rural and low-income groups.

## **2. Access or control**

In Egypt, non registration of girls at birth is a key factor for women's lack of legal documentation. Without birth registration, women lack birth certificates which would later enable them to obtain ID cards. Non registration of girls at birth is linked to differentiated gender valuing of children. There is limited incentive for parents to register their daughters at birth, particularly in rural areas and in poorer urban areas where girls' future and role in society is perceived within the realm of the private sphere.

*'I come from the se'eid (Upper Egypt) and, back then, my parents just assumed I'd get married and have children and that would be all. They put my*

*brothers in school but they didn't put me in school. So having a birth certificate wasn't important. It was only later that I discovered how important it was.'*

Asked why girls are not registered at birth, one NGO leader offered the following explanation:

*'...this has to do with culture (el tarqiba el theqafiya). In the social environment we are dealing with, the boy has to enter the public sphere at the age of 16. And for all his public dealings, he needs to be registered, to have an ID card. But the girl seldom leaves her local area. Her sphere is seen as domestic and local. And if she isn't in school and her future is seen as domestic, then what's the point of registration?'*

The State requires boys to hold ID cards in order to regulate military conscription. Moreover, the fact that the police and security services may stop and search male citizens at any time accentuates the importance of ID cards for men. This requirement at age 16 ensures that, even boys who are not registered at birth are later registered. By contrast, women are seldom required to present ID cards for security reasons and do not serve in the army.

Asked why men are more likely to have ID cards than women, one woman responded:

*'They know they will need it. If the man is stopped on the street by the police (el shorta) for anything, he'll have to show his ID card. But a woman? A woman is never stopped by the police on the street. Thank God for that. We never have to show an ID card to the police.'*

Thus, although the Civil Status Laws (Qanoon el Ahwal el Madaneyya) requires all citizens to hold ID cards, in practice, the enforcement of that requirement applies only to men.

In essence then, there are two broad and intersecting reasons why women are not registered at birth: first, the socio-cultural gendered discrimination which prioritizes boys' registration based on the assumption that their lives will be in the public sphere and, at the same time, de-prioritizes girls' registration assuming that their lives will be within the private sphere. Secondly, the stress placed on the discourse on national security and combating crime which prioritizes male registration and de-prioritizes female registration. In other words, the impetus for registration is not citizenship rights and access to citizenship benefits but rather a gender differentiated emphasis on national security. Therefore, women's access to legal identification papers in Egypt, was reduced due to these reasons.

In Morocco, the situation was different; women had access to their identity card but no control over the civil status book, which was in the name of the man and in his possession.

In sum, Egypt, and Yemen have national laws and regulations that in theory do not discriminate against women with regards to access to and control over basic forms of identity cards. The laws themselves are not gendered but the implementation is. In Morocco, the situation is more complex as women have access to and control over some forms of papers and not others. In the next sub section, we will show that in other Arab countries such as Saudi Arabia, the laws themselves are gendered and gender blind and from the onset do not recognize women's rights for an independent entity. We will also show that even when these laws are changed, society continues to disregard women's need for an independent entity. We will show how women's reduced and second-class citizenship is taken for granted.

### **3. Gender blind laws**

The third observation by this study is how in some countries the laws themselves are gendered and gender blind discriminating against women in a very direct way. In 1999, a decree by the Saudi Arabian minister of interior was issued that granted Saudi women the right to have their independent ID card with a picture on it. It was a decision by the Minister in order to facilitate access to social services for women and in particular the divorces and widows. However, this decree was not operationalized until 2002.<sup>14</sup> Before that, women were only put on their fathers' or husbands' cards. Although some of them had passports, these were not considered legal documents. Therefore, until the law was put into action in 2002, women had to carry photocopies of their male's relative's cards when traveling. Nonetheless, they encountered problems<sup>15</sup>.

*My picture was not on my husband's card; therefore my bank teller was not sure that I am the person I say I am and refused to give me the money I requested from my own bank account. A Saudi woman from Jeddah.*

*So we had to rely on our male kin to be with us to verify our identity. She continues.*

Not only are women unequal with regards to their independent legal existence, but Saudi women are not admitted to a hospital for medical treatment without the consent of a male relative<sup>16</sup> and, as we found out through our focus group discussions, so are Yemeni women. Therefore, even widows or FHHs had to have a male relative to admit them to the hospital, which rendered an independent ID irrelevant. In addition, to date, officials in SA do not recognize women's independent identity. Even after the Saudi women got the right to have independent ID cards in 2002, they still needed their male guardians to access basic services such as withdrawing money from bank accounts or even buying a mobile phone.

Amal, a Saudi woman was allowed to have an independent card by her conservative family because she was in a process of divorce and according to the law as long as she was still married to her estranged husband, he was her guardian. To avoid going to

<sup>14</sup> Abdel Aziz Charawi, from Jeddah, 10<sup>th</sup> February 1999. Zad journalist services.

<sup>15</sup> Abdullah Abou Sameih, ukaz newspaper, 28/5/003 page 10

<sup>16</sup> Interview with a Saudi woman from Jeddah

him for all her needs, her family agreed that she could have her own ID card. Thus for a short period, she enjoyed some form of independence. However, once divorced she was put back on her family card. Nonetheless, although she had her own card, this paper was not recognized by officials at the mobile company, her bank or at the civil office where she wanted to annul the power of attorney she gave to her former husband. In the first case, they refused to recognize her ID and demanded her father's card. In the second and third cases, they requested two male relatives to verify her identity and did not consider the ID card enough identification<sup>17</sup>.

In sum, it seems that there is an existing problem in women's access to legal and civil rights, manifested in obtaining legal documents, in various degrees in many of the Arab countries under study, excluding Jordan. While a clear indication of the magnitude of the problem in quantitative terms could not be established for the four countries under study, several references as this section has argued, have highlighted some indication to its scope, particularly in Egypt, amongst the often-disadvantaged FHHs and rural women more generally. Furthermore, the situation in other Arab countries appears to be variable and more in-depth research in this area should be promoted. To this end and building on the experience in Egypt, women's NGOs in Arab countries should be actively encouraged to seek out and identify the problem among their client group and, more importantly, to document its extent and nature.

## ***D. Extent and Magnitude of the Problem***

### ***1. Lack of relevant data and limited previous research***

In all four countries it has been extremely difficult to find existing research and data on women's access to legal documentation. The research teams found that at a minimum, statistics identifying in quantitative terms accessibility to such rights and its geographical distribution is not gathered. This might be an indicator of the level of importance allotted to this issue in the Arab Region. Interviews with researchers in Egypt have revealed the lack of importance given to this problem. Researchers interviewed have viewed it as not one of their main priorities, at least not directly. Three out of the five researchers interviewed in Egypt, did not conceive the issue of absence of legal papers as something that touches all aspects of a woman's life

Literature on the magnitude of the issue in Egypt is largely based on the individualized endeavors of Non-Governmental Organizations (NGOs) working in the field of women's legal rights. Though several examples will highlight the extent of the problem, they must be treated with caution. A study carried out in 1997 by the ECWR of a sample of 100 families in Dar EL Salam (264 females) has found that only 38% of the sample had ID cards and the *saket keid*<sup>18</sup> represented 22% of the sample (ECWR 2004: 32). Other studies focused on the prevalence of ID cards amongst specific groups, such as FHHs. For example, around the mid-80s, ADEW found that almost 70% of FHHs in Manshiet Nasser (a squatter area in urban Cairo)

<sup>17</sup> Mohdy al khalaf, Saudi women's ID is still just a piece of plastic, 25<sup>th</sup> July 2003, Arab news. Internet.

<sup>18</sup> Definition of *saket keid* is an individual without a birth certificate nor registered in the official registration.

had no legal papers of any kind, and in 2001, ADEW found that more than 57% of FHHs in another poor urban area (Masr el Qadima) had no ID cards. There is extensive work being done in Egypt about FHHs especially since the ICPD in 1994; however, very few emphasize and focus primarily on the centrality of women's legal existence and their access to or control over IDs. (Kholy 1994, 2001, Farah 2001, 2003, Fergany 1994).

This research has found differences in the perception of the magnitude of the problem in the four countries; Jordan, Morocco, Yemen and Egypt. While women in Morocco, Egypt and Yemen are reported to have difficulties in accessing their legal rights, such as obtaining official documentation, the issue seems to represent less of a problem in Jordan. There appears to be two possible explanations that have made it into less of a problem for Jordanian women. Firstly, a national campaign was conducted in 1997 in order to increase national citizens' political participation through voting and in which it has encouraged all citizens, through imposing penalties, to replace their official documents with new magnetic strip ID cards. Secondly, the cost for obtaining ID cards in Jordan is only symbolic and the procedures are simple and clear. Penalties exist in cases of delays. Given the political situation in Jordan with population influxes at various periods, it seemed essential to the political regime to clearly regulate all entitlements while at the same time ensuring the active inclusion of the original citizens in decision making processes.

The Women Affairs Support Center in Yemen, one of the partners in this study, found that no previous studies were carried out about the issue of women's access to or lack of IDs. Apart from limited legal reference to laws governing the issuance of IDs by Nedal Barakat, no other studies were conducted. Therefore, their study is in reality the first of its kind in Yemen. They also found that there was no NGO or PVO in Yemen that helps women issue ID cards. The same situation was found in Jordan by SIGI.

Additionally, several responses received from organizations in various Arab countries have thrown some light on the situation. According to the report from the Ministry of Social Affairs (MOSA) in Lebanon, there are no previous studies carried out on the availability or lack of ID papers. The official report states that there is recognition that there are a growing number of women who do not have one form or another of legal identification paper especially in rural areas and after the war; yet no effort to date was carried out to investigate the scope of this problem. The Syrian permanent delegation to the League of Arab States clarified in their report, that although there were no previous studies carried out on the topic, no women suffer from this problem and that all women in Syria have a form of identification paper or document.

### ***E. Arab women speak out: The importance of ID cards in their words***

Women in Egypt and Morocco gave similar accounts on how the lack of identity papers affected them personally, socially, economically and, legally.

Personally women felt that they were paralyzed and had no sense of existence or identity, i.e. they felt that without such papers they do not belong. Many of the women met felt that it should be a woman's right to have her own identification document.

*“This should not be a monopoly to the man; we are citizens of this country too” Khadija in Marrakech*

In Tanja for example, 15 out of the 18 participants in the FGDs suffered very much due to the absence of the civil status book. In some cases, the husbands refused to give them a copy of the document after they were divorced. In other cases, women lost access to the document when their husbands deserted them and disappeared. In absence of such an essential paper due to separation from spouse, women were unable to register their children, conduct any financial transaction, go to hospital, buy or rent a house and even enroll into a literacy program

Fawzya from Tanja 38

*I have three children, my husband did not register two of them in the civil status book, now he has been in prison for two years and I am unable to enroll them in school because they are not registered. Whenever I go to register them, the officials refuse because it must be the father who owns and controls the civil status document*

Some women from Morocco and Egypt have viewed the documents as directly linked to defining their personal existence as citizens, giving them a sense of identity.

Um Ahmed from Egypt puts it clearly as she describes her life:

*“I was born in this country. I have lived here for over 50 years. I got married and gave birth to six children, four boys and 2 girls and raised them. They have been educated and are holding good jobs, il hamd ulillah (thank god). I am a grandmother and I've worked to help my husband with the family income. One day I will die but it will be as though I've never existed because, for the government, I was never even born. I don't have a birth certificate and I've never had an Identity Card (a betaqa shakhseya). I feel like I was born, lived, contributed, gave and will die and no one will ever know I existed” (Um Ahmed, Egypt)*

*“See, this is a copy of my son's ID card. I always carry it with me. What happens if something happens to me on the street, or I get into an accident? Who will know who I am? How will they know where I live or who to contact? I don't have my own card even though I've been trying to get one for more than two years now. Insha'allah, I will get one next month but for years, I have carried my son's card. When it is with me, I feel safe. I feel like I exist. Without this photocopy, I would feel like I am nobody.” (Alya – 43, Manshiet Nasser, Egypt)*

A sense of non existence was acutely felt by many of the women (especially FHHs) participating in the study in Egypt and Morocco. Arguably, such non-existence is an extreme form of marginalization and alienation from society. It is significant to note that, when asked about the effect of eventually obtaining an ID card on their lives, women's foremost response echoed Samah's feelings:

*'I finally felt like I am somebody and if I'm stopped somewhere, I am confident. I can show them my ID card. I don't have to be nervous about going in a government building anymore and I don't have to carry the copy of my brother's ID card anymore. I can present myself as myself. I feel like I am worth something now.'*

This feeling of non-existence contrasts sharply with the sense of worth that accompanies the woman who has obtained her legal documents. This difference is echoed by the feelings of women from Egypt and Morocco:

*"EL Hala EL Madaneyya is an important document and ask me as I was deprived of it. I am ready to do anything to get it, not only for myself but also for my daughter. I do not want her to feel what I feel without an identity; anyone who does not have a Hala Madaneyya does not have an identity" (Ragaa, 40, Akadeer).*

*"I could not do anything without the card. When I finally got my card, it made me feel human and that I am here and that I live. Before that, I was unable to work or to even have electricity in my room." Tawhida, 40 years from Dar Al Salaam, Egypt.*

Socially, women felt that the lack of legal identification papers affected their access to basic services, and economically affected their ability to access credit. The findings show that these women have viewed the importance of legal documentation in more practical terms, as in their inability to satisfy their most direct needs.

In Egypt, as the three accounts presented below show, women have needed the ID card to receive a husband's pension, certification, and employment. Azza 49, had never had an ID card though she did have a birth certificate. It was only after her husband died and she tried to collect his pension that she discovered she needed an ID card.

*"I had always relied on my father and husband to get anything outside the home. But when he died, I found out that I am paralysed and could not do anything. I had to get my ID in order to get the pension and be able to feed by children'.*

Mona Mahmoud, 25 years old from Masr el Qadima in Egypt, had never had a birth certificate. As a result, she had never attended school and was illiterate. At the age of 25 and wishing to support her children through school, she decided to enrol in adult literacy classes. She was proud of her achievements in the course and waited anxiously to reap its benefits through employment. Her elation and anticipation were



promptly crushed when she discovered that, without her ID card, she could not collect her literacy certificate.

*It was a shock, to find out after all this studying that I could not get my certificate and no one told me. It was sad. But the association helped me and I got the ID in no time, their lawyers helped me get my birth certificate. . Without their lawyers, I would not have been able to get my ID or my certificate*

Wafaa Salah, 36, was abandoned by her husband. To provide for her three children, she found a cleaning job in a local school. However, the school needed her ID card in order to process her employment. Until she obtained her ID card, Wafaa had to delay the start of her employment. Those accounts show that in the absence of the necessary documents, women's social and economic security would clearly be compromised.

Accessing basic services such as enrolling the children in schools was also denied to women with no identification papers.

*“The authorities have refused to register my children saying that I have to have their father present, since I do not have the civil status document. I do not have a solution as my husband is in prison and is serving for a long time and one of my children has now reached the legal age to enter school”.*  
(Soad, Tanja, Morocco)

In Yemen and Jordan the issue was not given such importance. In Yemen several of the women in the FGDs explained the fact that even when women have their ID cards, they still do not have the right to enroll their children in schools and that they still needed the father's or husband's ID. They highlighted instances, when children's files could not be withdrawn from the school by a mother without providing a proof that she is the parent through using the father's ID card. In that sense, even when the woman does have an ID card, this is not sufficient and does not give her the same equal citizen's status as men. This important finding further underscores the gendered application of laws and procedures by official institutions.

The Egyptian women's experiences, highlighted the importance of owning ID cards to access credit. Again the absence of such a document, in a context where an ID card is a pre-requisite for obtaining credit, would obviously curtail both their economic security and their economic independence. In Jordan too, women require their hawaya and National Number to access credit. The Syrian report also indicated that some women do not have access to credit in their countries due to absence of ID cards in remote areas in addition to other reasons.

However, in some cases in Morocco and Yemen, the women studied did not feel the impact of absence of IDs. Several Moroccan women stated in the FGDs that the absence of legal documents did not have a significant impact on their lives. Women who had access to a male figure's documents did not need to have their own. As long

as the male figure is present to negotiate women's access to services and entitlements, women themselves may not perceive the importance of documentation. It is worth noting that many women in the Egypt FGDs also pointed out that, prior to becoming FHHs, they had not understood the relevance of legal documentation.

Legally and politically, some women interviewed in Egypt and Morocco felt that they were unable to be politically active and to practice their political right of voting due to the absence of, or lack of control over their legal identification documents. Some of the women expressed their need for legal documents to participate politically in casting votes. Identification is required for their input and participation in public life, without which, their right and obligation to participate would be affected. Unclear from the women's accounts is, however, the proportion of women who really use such acquired political rights to influence their lives and that of their families.

In addition, some other women stated that the lack of IDs affected their relationship with the authorities rendering them at a disadvantage. Without legal documents, women feel alienated from the State and from the public life of society.

Women in Morocco and Egypt, unlike those in Jordan and Yemen, have highlighted the importance of ID cards in providing them with a sense of security and minimizing problems with authorities, which has replaced feelings of fear/nervousness and abnormality. In Yemen and Jordan, our initial findings suggest that women rely on family and community networks for security and for dealing with authorities.

To sum up we have presented women's views on the importance of obtaining ID cards. The findings have shown that the views have differed, ranging from women who perceived them as a source of pride, existence and identity (citizenship as practice) and others viewing their importance as a means to satisfying certain needs or ends, largely economic and social (citizenship as status). Clear was the document's impact on accessing resources and services in all countries. The section also argued that the absence of the document would influence women's lives negatively, most importantly when it is tied to the women's social and economic security. While its absence also affects women's ability to act as agents and to participate in public life, in this case, it will not impinge on their direct livelihoods and survival. The findings presented here however confirm the importance placed on viewing citizenship as both a status (involving a range of rights) and as a practice or identity.

### ***F. Barriers and obstacles women face***

Our research findings also show that similarities exist across countries in the type of barriers women, especially FHHs, have faced during their attempts to access their legal documents. These barriers included; complicated procedures, lack of awareness about the importance of such documents, costs of registration, officials' negative attitude towards the poor and illiterate women, self-exclusion by women due to psychological difficulties, and finally lack of law enforcement.

Similar to most women met, the women interviewed in the 10 FGDs in Morocco identified 10 reasons behind their inability to reproduce or get a copy of the civil status document. The reasons included; cost which many were unable to shoulder due to their economic situation, the need to go to the place of origin and birth to get necessary papers, attitudes of civil servants, complications in procedures, negative attitude and humiliating behavior by the civil servants towards poor women in general and towards unmarried mothers in particular, and ignorance of women about the needed papers. However, the most important reason given by most of the respondents to the lack of access to other relevant legal documents such as marriage certificates was the estranged spouse's objection that women get a copy of the civil status document.

### **1. Complicated procedures for women and difficult requirements.**

Many women have reported complex procedures and difficulties in obtaining supporting documentation for issuing an ID card. Several selected examples from the different country contexts highlight those problems.

In Egypt, the procedures for obtaining an identity card for those not registered at birth or for those once registered but whose records are lost, are cumbersome, complicated and intimidating for women. Moreover, since non-registration at birth implicitly implies illiteracy (without birth certificates girls cannot enter schools), a process which requires completion of forms is particularly fraught.

Amongst the most complex of procedures in Egypt is the process of presenting a BC, which is a pre-requisite for obtaining the ID card. There are thirteen steps to birth registration for those who fall out of registration. The process of birth registration requires women to present a range of supporting documentation including birth certificates of older and younger siblings and family ID cards or father's ID card. However, many women, especially women from rural origins, have trouble in compiling these documents particularly if their family members are living away or are deceased. As one woman expressed,

*“They asked for my brother's birth certificate and also for his signature. But my brother was in Saudi Arabia working and by the time he returned, my application period (1 year) had expired. So I had to go through the whole process again. They also asked for my father's ID card but my father, may God have mercy on him, died many years ago and no one knew where his ID card was.”*

Furthermore, bureaucratic officials are often unsympathetic, making this an especially humiliating process for women, many of whom are illiterate and unfamiliar with the procedures. Similar issues were identified in Morocco. Yemeni women also referred to complicated procedures in the case of loss of the ID card and the procedures for its replacement.

According to article 53 of the Yemeni *Ahwal Madaneyya law*, two procedures were very important to verify information on application for obtaining an ID card; first

there was a need for 2 government officials or public officers to sign and stamp on the application form and secondly, women had to have the ID card or family card or record with her to verify information.

It was stated by a gender expert who works in Yemen, that Yemeni women in rural and marginalized areas also find it difficult to meet these conditions and to follow procedures. However, due to the traditional nature of the societies there, women have not yet faced the need to produce an ID in order to access some of the services. For example, women are not asked for ID cards by hospitals or in registering their children in school or in issuing the birth certificates of their children, because by law, women cannot access these services without the presence of a male guardian. In cases of admission to hospitals, as in the case of Saudi Arabia, women's IDs are not recognized. In centers for family planning a woman cannot get birth control pills without her husband's ID. It was also found by WASP that civil servants not only differentiated between men and women, but also between educated and uneducated women. For example, they found that male civil servants would not insist on a male guardian for the educated women while they insist with the illiterate women.

Women in Morocco, particularly single mothers, were required to provide proof of marriage through witnesses and marriage contracts. Problems arise in the absence of such papers or the husband. In other cases, birth certificates of children to prove lineage are requested, which is difficult in cases where women have given birth at home, often the norm in rural areas.

*“I am divorced and my children are not registered in the Hala Madaneyya so that is why I want to get it so that I prove lineage and to register them in school. I tried to get it but because I do not have the marriage documents, all my attempts have failed” (Fatheya, divorced with two children, Marrakech, Morocco).*

## **2. Lack of awareness.**

Lack of awareness is twofold. It comprises awareness of the procedures to be undertaken, as well as awareness of their rights and the importance of the legal documents.

*“I have not thought of getting the Hala Madaneyya because I am illiterate and ignorant and I did not know before the meeting that the possibility existed to demand the Daftar Hala Madaneyya. I have lived all my life and have raised my only daughter who was abandoned by her father without registering her in the Hala Madaneyya and my daughter is now 20 years old” (Ragaa, Tanja, Morocco).*

Our findings has pointed out to the lack of awareness of families, in general, of the importance of legal documentation for their girl-child but also to women's own need to documentation. While living within their family home, girls are registered on their

father's ID card. Later, when married, women are registered on their husband's ID card. Thus, while women remain dependent on the male family members as social, legal, political and economic representatives of their households vis-à-vis the state and the community, their awareness of the need for their own legal documents is minimal. It is when women become heads of their own households that their lack of legal documentation impinges on their ability to access their rights.

In Morocco, focus group discussions have revealed large differences in awareness levels from one geographical area to another. It is suggested that while awareness levels might have differed, the obstacles which women have faced while interacting with the different relevant institutions during processes of registration remain the same.

In Egypt, we also found that many women in both urban and rural areas do not try to obtain official documents because they are unaware of their importance. This negatively impacts them throughout their lives. For example, girls who do not have birth certificates tend to be illiterate since admission to schooling requires presentation of birth certificates. Illiteracy restricts girls' access to information, forcing them to rely on male family members for such information thereby creating and re-enforcing the system of dependency.

Another factor found in Egypt and similar to what the Morocco team found was the lack of knowledge of procedures and its requirements. Some of the women participating in the Focus Group Discussions in Egypt reported limited knowledge and understanding of procedures. One woman described the situation thus:

*'I wished I could just get someone to just explain to me what I had to do. Every time I asked, I got a different answer. And when I did what I thought was needed, then I found that they needed something else. I always felt like I was turning and turning and getting nowhere.'*

### **3. Costs of registration.**

Costs cover both direct and indirect costs that women have to incur. Aside from the regular direct costs of application, applicants face a number of indirect costs related to transportation, travel to villages where they are born, foregone opportunity costs, and bribes. The research has shown that for poor women, these costs are prohibitive.

In Egypt, women identified cost as one of the main obstacles related to registration procedures. This was also identified as one of the main problems facing women who want to reissue or get a copy of civil status book in Morocco.

*"I knew the ID card was important and so I saved the LE 15 to pay for it. Then I had to go to the registry office (segell madani), five times, maybe even more. And every time I went transportation was very costly. And on those days, I sold less at the market because I had to go during the day when my children were in school."*

*“I did not get the Hala El madaneyya except after huge suffering with the departments (the large amount of documents requested from me, lengthy procedures, the long time taken by officials). I have suffered much from their constant questions with regards to the father of the children. For 6 months I have been going to the civil registry office until I lost hope but my fear for my children’s future has pushed me to pay a huge sum to the officials there and afterwards I received the document” (Aida, Single mother with 2 children Alhajib, Morocco).*

*“I demand that costs are reduced and to fight bribery, because those who do not have power do not find anyone to help them to obtain the papers (Ragaa, Alhajib. Morocco).*

*“I got the civil status document after a long journey with the civil officials, for more than 6 months I had to go to the civil status office and tolerate their unfriendly attitude in order to obtain the legal document that would protect my children in the future. It did not help that I was an unmarried mother and it did not help that I had to pay a lot of money for the actual work and through transportation and also loss of work time spent in the offices” Rabea, 31 years, unmarried mother of two, Akadeer, Morocco.*

For poor women, the process of obtaining an ID card is daunting and extremely costly. This is especially true for women who are ‘sakket qeid’ (literally, those who fall out of registration).

*‘They told me I had to go to Asiyuit because that is where I was born. They said that is where I had to get my birth certificate. But how can I go to Asiyuit? I would have to take the children with me, it is a long trip, and it costs money. Then I wasn’t even sure that if I went one time I could get the thing done. So I’m just waiting.’*

NGOs interviewed unanimously concurred with women that procedural complications were a key obstacle preventing women from obtaining birth certificates and ID cards. As one NGO leader put it:

*‘At the moment, the law requires so many steps to get an ID card. It can take years. In addition, these women have to go to the police station to do a ‘mahdar’ and get so many signatures. Can you just imagine? These are women who often are illiterate and at any rate, in our society, people don’t go to police stations willingly. Especially not poorer people with the way they are treated in the police stations. The process is very difficult for people especially if you are a woman and you don’t know how to get around the system*

Indeed, simplification of procedures, especially for women who are not registered at birth, was one of the key recommendations emerging from both women and NGOs. NGOs and women alike also point out that the length of time it takes to obtain legal documentation adds to the frustration. Once started, it is expected that the process will be completed within one year. This is the validity period for the application form. However, women report that often, due to the difficulties inherent in collating the required documentation, their validity period expires before they can complete the process thereby necessitating a fresh start. Repeat starts increases costs, frustrations and may often lead women to abandon the process.

However, in areas where NGOs have outreach programs, these barriers are significantly reduced. It is also a fact that regulations in Egypt have been simplified since the National Council for Women (NCW) led its national campaign.

By contrast, policy makers interviewed believed that procedures were straightforward, that help was available within civil registry offices and the staff is trained to deal sympathetically with women, particularly poorer illiterate women. Bibars (2001) found a similar disjuncture between women's experiences and policy makers' perspectives on the attitudes and procedures within government front line services.

#### **4. Mal treatment of women and obstructive attitudes by officials.**

Most women participating in the study reported difficulties in approaching and dealing with employees of the civil registration offices. Most have also reported bad treatment on behalf of officials. Obstructive attitudes as reported by the women participating in the study included: unwillingness to explain procedures, changes in requirements, unwillingness to accept documents, de-prioritization of women in the queue, accepting bribes and the use of abusive language.

*"I did not have anyone to guide me to get the necessary documents to get the book. Also I was afraid of the authorities as I am a single mother and do not have the money to get the book" (Latifa, single mother with one child, Morocco).*

*"...in reality (the woman) is neglected and when she enters any department they regard her as an insect" (Fatheya, Morocco).*

*"I went to the man at the Segel Madani, and gave him the documents. It had taken me more than 2 months to put them all together and I had been on two buses to get there. But when I got to there, he just told me to come back tomorrow. But all my papers were finally ready and I wanted him to take them. He just wouldn't" Um Ahmed, 46 years old, Egypt*

*"I never understand why they treat us like this. They just treat us as if we are rubbish. I asked him several times to tell me what papers he needed and what to do next but he wouldn't explain. He said he was busy. But I'm a citizen too, just like*

*everyone else. I'm a person and I just wanted him to tell what was needed" Yasmine, 31 years old, Egypt*

Similar to women in Morocco, all women participating in the Focus Group Discussions in Egypt, reported difficulties in approaching and dealing with staff at civil registration offices. Bibars (2001), in her study of the interaction between the State and Female Heads of Households, also found that civil servants employed in front line positions were unreceptive to the needs of the poorest women.

In Yemen, policy makers interviewed argued that the issue of registering girls is not a problem. It is also argued that in theory the procedures for obtaining an identity card are the same for women and men. However, the study showed that women face more problems while issuing their identity cards. Civil servants at the registration offices discriminate against women who are poor or illiterate, while they do not discriminate against poor or illiterate males. It was also reported that educated women were treated much better than uneducated ones.

### **5. Psychological difficulty.**

Several women in Egypt and Morocco had psychological difficulties about going to the various departments or police stations. One of the process requirements for obtaining an ID card in Egypt is certification of the application in the police station. For women, especially poor women, entering police stations and dealing with the police has been a traumatic experience.

*"I tried twice to get my birth certificate but every time it came to going to the police station (el qesm), I just couldn't do it. I mean this is the hardest thing. I'd never entered a police station before" Aleya, Dar Al Selam Egypt.*

### **6. Lack of law enforcement.**

Obtaining ID cards is obligatory by law for women in both Yemen and Egypt at the age of sixteen. Still, many women reported that they know that the documents will not be required of them. Such low levels of law enforcement are clearly a disincentive for women to obtain their ID cards, particularly when procedures represent such huge costs.

*"They know they will need it. If the man is stopped on the street by the police (el shorta) for anything, he'll have to show his ID card. But a woman? The police on the street never stop a woman. Thank God for that. We never have to show an ID card to the police"*

In Yemen, for example, women are not required to present them while accessing health services in hospitals or while enrolling their children at schools "in most cases in reality Yemeni women's ID cards are not used".



Varying experiences of the process have revealed other barriers to receiving the ID card in different countries. Obstacles included: the objection of the male member for the female getting documents and the loss of hope by women attempting the process several times (Morocco), as well as the absence of female staff throughout the process in (Yemen).

### ***Section two: Attitudes and perceptions of policy makers***

How informed and alert are the policy makers, about the problem of gender inequality with regards to the presence or absence of the different legal identification documents and their far reaching consequences?

All policy makers interviewed for the study in the four countries have viewed women's access to official documents as important. Yet, their perspectives of the importance placed on such documents contrasted sharply with that of the women. For example, Yemeni policy makers interviewed were using the rhetoric of 'rights', while the women themselves largely focused their debate around their direct needs. Also, policy makers in both Yemen and Egypt have highlighted the broader importance of women's access to official documents as a tool for planning policies at the national level and a tool during national election campaigns. Thus, while policy-makers have agreed with women on the importance of ID cards, they have differed in its reasons; primarily due to women's focus on their most direct needs and policy makers' interests in the broader national objectives. The focus on the "strategic importance & need" for IDs meant that the focus is really on a different type of women; the educated middle class. This explains why very few of the policy makers met recognized the plight of poor illiterate women who have no birth certificates, identity cards or family cards. The "rights discourse" is a valid discourse but it is a middle class preference and choice, while poor women are more concerned with needs that will protect and sustain them.

The research found a disjuncture between the realities women experience and the awareness of policy makers of their experiences. One Egyptian policy-maker interviewed, showed knowledge and awareness of the existing problem. However his analysis for reasons and solutions showed a total divorce from grassroots reality. He stated two main reasons for lack of access by women to ID cards. The first is their ignorance and lack of initiative. He argued that poor, illiterate women don't have initiative and prefer to be dependents on their male kin. Secondly, he argued that problems and barriers confronting women in issuing birth certificates and identity cards, is due to the inefficiency of the officials and the absence of advanced equipment which results in delays, repetitions and in some cases loss of papers.

Policy makers in Yemen, in contrast, have shown limited knowledge of existing problems and do not see that there is a large problem in women's access to legal rights.

*“As for the legal problem of women, we do not see that there are any problems as the law has guaranteed her the right to get the thabouteya document. We do not discriminate against*

*anyone who wants to get the personal or family ID, given that they follow the rules and we do not differentiate amongst any groups, marginalized or other.”*

This statement sheds light on the following important points. First, it views women’s citizenship as a status guaranteed by the law, as opposed to an understanding of women’s citizenship as involving a set of processes. Second, the statement focuses on women who are aware and want to obtain the documents, while absent is an indication of what is done in cases where women lack the consciousness to do so.

Furthermore, similar to the disjuncture displayed above, when asked about the procedures for obtaining ID cards, the policy makers’ response revealed a simple process, clearly contrasting with the complex barriers women have experienced.

*“The legal steps of getting an ID card are specified in law 53: anyone who is 16 years of age has to apply in person within 3 months to get an ID card. They are required to attach 3 pictures, the blood type and fill in the required document. It has to be verified by the Akel or two people who have an ID card or a family card or by the individual’s workplace. This is done in the specific department and then they get it within half an hour or two hours (depending on the number of applicants).”*

The perception of policy makers and high officials that the majority of women do not have a problem and that the overall environment is conducive to women’s advancement was common among all officials and policy makers met and interviewed in the different countries.

The reports from the Permanent Delegation of the Republic of Syria to the Arab League stated that overall; women in Syria do not have a problem concerning their legal existence. Nonetheless, they stated that although there are no previous studies on the subject, they recognized that there are some women who do lack ID papers due to non-registration of the children at birth. Although there is a fine, some families fail to do so due to ignorance, costs or distance. They did not verify or know whether such failure is gender specific or not. The report from the Permanent Delegation of the UAE to the Arab League also stated that all the citizens of the UAE have their own identification papers. The Bahraini delegation also confirmed the same.

The research teams in the different countries were told by many of the policy makers and academics alike that there is no real problem with the issue of women’s access to identity cards or other legal identification documents and that the situation is different from Egypt (Jordan, Morocco and Yemen). Nevertheless, some academics and policy makers in Egypt believe that the issue is not as prevalent as before and that there is no strong association between women’s weak political participation in voting and their lack of access to IDs.

When ADEW started working in 1985-87, all officials, other large NGOs and policy makers claimed that Egypt also did not have this problem and that those who fail to have IDs are penalized. As ADEW’s work showed and as our research demonstrated

this was not the case. This does not mean that we are saying that the statement by the different delegations is untrue. However, it confirms that poor marginalized women are not always heard and that their needs and problems are not always a priority. In Egypt, it took an NGO working with FHHs to discover this problem and we believe this research will urge others in the different Arab countries to do the same.

Even in countries where women do have some sort of legal identification but are not in control over it (Morocco) it was not clear to us how it was not seen as an impediment in the face of women's complete citizenship. How can women -- in cases of divorce or separation-- vote, have access to legal, health or other social services if they have no access to the existing document which is controlled by their men. In other words, in countries such as Morocco and Jordan, FHHs who are left to fend for themselves actually have no legal identification documents which could prevent them from exercising some, if not all, their citizenship rights. In a country such as Yemen where a large number of women actually do not have identity cards, neither the State nor the policy makers interviewed recognized this problem. In addition, because many Yemeni women to date have not yet needed these papers (for they still rely on traditional social networks and the extended family) even NGOs have not yet recognized this issue and no data exists on how many women lack IDs.

### ***VIII. Conclusion and Recommendations:***

One of the major challenges which the UNDP and Arab governmental and non-governmental organizations now face is the identification of these highly marginalized and impoverished women, particularly as each country in the region tends to differ greatly in terms of urbanization versus more rural society, and traditional versus non-traditional familial structures.

In theory, it seems altogether plausible that societies which have experienced mass urbanization and the breakdown of society into nuclear families will naturally result in single mothers and women who are suddenly thrust into the role of primary family breadwinners. However, it was only through the careful research and outreach by Adew and later Egyptian organizations that FHHs were ever truly "discovered." Without their consistent proof of the struggles faced by these women, their plight would have remained unnoticed. Although Egypt was the most highly urbanized society of all the countries studied, it is possible that similar populations exist in more rural and traditional societies as well, but face a different challenge to their legal existence.

Our findings showed that it was only in the truly urbanized societies of Egypt and Morocco that FHHs were to be found. This is most likely erroneous. Because of the dearth of women's groups in the region, our partners included both advocacy groups as well as more grassroots-oriented NGOs. The NGOs in Egypt and Morocco proved more effective data-gatherers during the study because of their grassroots connections across society, and therefore their ability to discover the women that were previously unheard of, i.e. FHHs. Advocacy groups, on the other hand, lacked these relationships, and as a result they had difficulty discovering FHH or similar

populations. However, they were able to gather essential information on the legal situation of women who existed in the family framework in these more traditional societies.

In our analysis of the legal existence of these women, issues of access and control over legal documents proved to differ widely across the region, and each country studied demonstrated its own unique challenges according to the structure of its society and its legal philosophy and citizenship laws. In Egypt, it was the lack of access from birth to identification, with the low percentage of female birth certificates, which hindered women's later attempts to obtain their IDs. In Morocco, on the other hand, it was not so much an issue of access as control. While women were able to obtain identification cards, they had no control over their Family Book, which is the true source of personal legal enfranchisement. In Yemen and Saudi Arabia, there was no real independent legal existence for women, even with access to IDs, so any sort of token documents proved irrelevant in the face of their second class citizenship. Jordan, our most ambiguous country, remains in need of further study. We are still unsure of the true power of the Family Book in terms of legal existence in particular.

We can conclude that each country's situation is unique, and that often the time-worn issues of rural versus urban, and traditional versus non-traditional society continue to play a large role in the legal existence of women. This initial research has demonstrated that, in all likelihood, there are highly marginalized populations of women in the Arab world outside of Egypt and Morocco that remain as-yet undiscovered. For this reason, further research is essential across the region.

### ***Looking Forward***

When considering the best approach to improving the situation of these women, general lessons for the region as a whole can be drawn from the experiences of the NGOs in Egypt. As Egypt has the longest history and largest number of initiatives responding to the problem access to ID documents, we will highlight three major lessons that may be drawn from practitioners' initiatives:

Firstly, it is important to rely on local solutions, and there continues to be a need for coordination and collaboration between the different actors – FHHs, NGOs, advocacy groups, and government officials. There is also a need to respond to the basic needs of women before focusing on strategic needs.

Solutions are effective when they are embedded in the social and cultural context of the target group (women). This study found that practitioners reported similar views to those of the women with regards to their needs; this was due to NGOs' interaction with and access to both the grassroots (through CDAs) as well as government bodies. For example, several of the factors which contribute to the disabling environment that

women referred to have been publicized by various NGOs working in the field in Egypt.

Secondly, this study also found that there is a need for the development of a strategy with a wider outreach which focuses on institutional quality rather than access, and which is more relevant to the needs of women. Most NGOs work with limited coordination of activities. As a result, their overall outreach is limited. Building partnerships would also ease bottlenecks.

Thirdly, it was also felt that although advocating for institutional reform is important and necessary, there is a greater need for reforms that will improve the day-to-day service delivery that provides women with their most basic and essential needs. Some NGOs claim to represent women's interests and concentrate their work on advocating on a national level for important causes such as women's rights for equality before the law (Personal Status law) and equal rights for access to power. All these demands are valid and important. However, listening to women at the grassroots, one realizes that they have other priorities as well, and that it is essential to address these as well. In other words, it is important to lobby for their basic interests and needs first and foremost.

***A list of the recommendations that emanated from the paper:***

*In regards to the law and legal processes:*

- 1) Citizenship laws must be gender-neutralized, and the family must be redefined to include possible female headship.
- 2) The inequalities of resources and power that exist between women and men should not be decisive factors in woman's ability to obtain an ID.
- 3) Laws and conventions should be more strictly enforced by governments, and reservations on particular articles should be dealt with in a way that does not compromise women.
- 4) There must be legal pressure to ensure that all women are issued a birth certificate at birth.
- 5) Procedures for issuing legal documents must to be simplified.

**Future Research Needs**

- 6) We must look at the negative psychological effects that the lack of legal documentation has on women who lack identification and legal existence. How badly do her self-esteem and self-confidence suffer because of this deficiency? We also need to study the psychological effects of the daily stresses that women face when they are without documentation.
- 7) More in-depth research is needed in the rest of the Arab region, as the situation between countries seem to vary.
- 8) Jordan: there is a need to conduct further empirical research on Jordan and to focus on poor, uneducated and marginalized Jordanian FHHs.

## **Implementation**

9) The importance of the role of NGOs in raising the awareness of women on the importance of legal documentation must be stressed.

10) After the last AHDR; Governments must develop plans to improve the status of women.

11) Women's NGOs in Arab countries should be actively encouraged to seek out and identify the problem among their client group, and more importantly to document its extent and nature.

## **Annexes**

### **Annex 1**

#### **Practitioners' Initiatives and Lessons from Egypt**

##### **The Center for Egyptian Women Legal Awareness (CEWLA)**

CEWLA was established in 1995. It came across the problem of legal existencethrough its legal work with women. In its attempts to represent women in Personal Status Law cases, CEWLA discovered that a significant number of them lacked any legal documents, thus their scope of services was altered, focusing more on assisting women acquire legal documents. CEWLA works at three levels aiming to facilitate the process of acquiring legal documents: the policy level through campaigning, the intermediary level with Community Development Associations (CDAs), and the direct level of service provision.

CEWLA is currently working on developing a project that was initiated by UNICEF that aims at providing technical and financial assistance to CDAs that work in the areas addressed in the Beijing document (these include equality before the law, fighting violence against women, helping children, education, health, and assisting FHHs). The project was divided into two phases; phase one focused on strengthening the advocacy programs of the CDAs; and phase two (which began in May 2000) focused on establishing two legal consultation offices in each of the following: Qena, Sohag and Alexandria.

##### **Egyptian Center for Women's Rights (ECWR)**

The ECWR was established in 1996 with the goal of providing all forms of legal assistance to women and with a focus on legal and political rights. ECWR started working in squatter areas, where they discovered the predicament of FHHs while representing women whose husbands had been arrested.

*"We started thinking of them as a group outside life – 'fe'a khareg el hayat'. This is what we called them. They had no existence whatsoever" (ECWR, Egypt).*

The ECWR is implementing the Access to Basic Services program with the World Bank and the British Council. It focuses on raising awareness of the problem and advocating for changes in the law, as well as campaigning and training NGOs to help solve the problem. 220 CDAs were trained in raising awareness about the importance of obtaining official documents and the necessary procedures for obtaining IDs and BCs. Those in turn have succeeded in helping approximately 60,000 women to obtain ID cards and BCs. ECWR maintains that the root of the problem is the lack of birth certificates.

*“If you have a birth certificate already, you can get an ID card very easily. The problem is when you don’t have a birth certificate. Moving someone from a birth certificate to an ID card doesn’t change their status in society. They are registered and are within the state’s records. But moving someone from no birth registration to an ID card is very different. You are moving them from a state of non existence to a state of existence. From a place where they don’t count at all to a place where they are on the map” (ECWR, Egypt).*

Additionally 5000 posters were printed and distributed to raise awareness amongst illiterate people. The project was successful in 5 governorates to which a sixth was added (Fayoum), where people assembly members and employees of the registry have adopted the cause.

### **The Association for the Development and Enhancement of Women (ADEW)**

In 1985, ADEW began working with the poorest women in a Cairo squatter area called Manshiet Nasser. ADEW was specifically launched to work with FHHs, at the time an emerging and unrecognized household type. ADEW’s mandate was to empower these women economically through micro-credit. However, while establishing the credit model the initial group of ADEW volunteers and staff members began to realize that, in fact, many of the women they were working with lacked ID cards. Moreover, in its support for women attempting to access pensions and other social security benefits, ADEW found that most clients lacked the requisite legal documents. From the very beginning, (1987) ADEW’s mandate expanded to include women’s legal empowerment. This involved helping women to obtain BCs, ID cards and other legal documents. With the increasing focus on women’s political participation and with both government and donor community emphasising increasing the proportion of female voters, many political parties and grassroots NGOs seeking to involve women in political life, have prioritized the issue of women’s voting cards. Yet many of these organizations have discovered that women, especially poorer women in low income and squatter areas, lack the identity documents needed to obtain voting cards.

### **APS**

APS is an Italian NGO focusing on providing micro-credit services to rural women in Sohag. APS targets FHHs, the poorest of the poor. APS became aware of the importance of providing ID cards to women through their experience in providing revolving loans in Sohag. They plan to integrate the provision of ID cards as one of their main activities in the future.

### **Italian Cooperation**

The Italian Cooperation provides micro-credit (through revolving loans) to FHHs. It became clear over time that most of these women did not have ID cards, and thus were unable to make use of their services. The project focuses on both the national level and the grassroots level: At the national level, in collaboration with NCW, the



project has three components: Public information and awareness-raising campaigns, statistical data collection and surveys, advocacy for legislation changes and procedure simplification. At the grassroots level in Sohag, Qena and Giza, activities include: training, service provision to specific cases (difficult circumstances) to issue ID/BCs, capacity-building provision to relevant CDAs.

## Annex 2

**Table 1: Total Number of Participants by Country and Research Method**

RESEARCH METHODS COUNTRY	FOCUS GROUP DISCUSSION	IN-DEPTH INTERVIEWS	
		NON-GOVERNMENTAL ORGANISATIONS/DONORS	POLICY- MAKERS/SERVICE PROVIDERS
JORDAN	50	NA	NOT AVAILABLE
MOROCCO	93	NA	2
YEMEN	100	NA	2
EGYPT	18	5	1
<b>TOTAL</b>	<b>258 or 261</b>	<b>5</b>	<b>5</b>

Note:

- 1) NA= Not Applicable.
- 2) An additional 3 participants were interviewed from research institutes in Egypt.

## Annex 3

### **BOX 2: Identity Card Procedures in Egypt**

The applicant must:

- 1) Produce a birth certificate (if the applicant does not have one then he or she must first go through other steps).
- 2) Buy two applications from the post office. The first, application 40, must be filled out and 4 pictures need to be attached in the case of a male applicant and 3 pictures for a female applicant. The second, application 19, is left empty for the civil records to fill out.
- 3) Obtain the signature of any official representatives that work in a government establishment and that have the official stamp of the State.
- 4) Submit several petitions stating that she or he has never previously had an identity card and that all the information on the application is correct.
- 5) Buy the official stamps needed for this procedure.
- 6) All these papers need to be submitted to the civil records office in the person's area. The identity card should be received two weeks after this.

***For Yemen this was reported in the FGD report:***

Article 53 for Yemen of the “*laeha tanfiseya*” specifies the procedures to be undertaken to obtain an ID card:

1. Get two signatures of government officials in public sectors and have it stamped by their organization.
2. Get two signatures of people with an ID card or a family card but the form needs to be signed by the manager of the civil status department and civil registry.
3. Or the signature of the “**akel**”, which must be verified by the department he belongs to.
4. For employees of the government, public associations, university students, higher institution students or public schools, they only need to verify the application data and pictures.

***Annex 4:***

***Table 3: Mapping Enabling and Disabling Factors for Obtaining Official Documents***

FACTORS FOR OBTAINING OFFICIAL DOCUMENTATION	
ENABLING	DISABLING (BARRIERS)
Resorting to mediators/relationships (M, Y, E)  Ability to pay all costs (M) Persistence in trying and having guts (M) Ability to pay bribes (M) Having a good relationship with the state (J)	Lack of awareness (M,Y,E) Cost of registration (M, Y, E) Complicated procedures for women and difficult requirements (M,Y,E) Maltreatment of women, perceptions of officials, and obstructive attitudes (M, Y, E) Psychological difficulty of going to departments, shyness of women, fear (M, E) Lack of law enforcement (Y, E)  Bribes (M, Y) Objection of male member for females getting document (M) Loss of hope by women (M) Lack of availability of female officials throughout all steps of application process (Y)
Key Dimensions Identified Relational/Cultural Institutional Personal	

**Notes:**

M= Morocco, Y= Yemen, J=Jordan, E=Egypt

## ***Annex 5: The Question of Palestine***

At this historical juncture, it is important to highlight the Palestinian's legal existence situation as citizens, regardless of gender, taking into consideration that given the cycle of violence they are living under, the rates of FHHs are increasing. In addition, previous research indicates that at times of war, women tend to bear the crust of the burden. Legal identification documents are thus the most appropriate analytical entry point to describe and analyze the situation of citizenship of Arabs and Palestinians in Israel and Palestine. The state of Israel has been using legal identification documents as means to shrink the growing population of Arabs within Israel, through preventing them from issuing ID cards. We also chose this extreme example to demonstrate that indeed legal documentation is a weapon of existence and identity.

Occupied Palestine has been administratively and successively divided and subdivided by Israel. This administrative division and sub-division process is part and parcel of the occupation, its political aims and the solutions being imposed upon it by the occupying party. Successive divisions have been undertaken at two inter-related levels: geographical and demographic. At both levels, Palestinians are divided into four categories: those living in Gaza, those living in the West Bank, those living in Jerusalem and those living within Israel. In addition, three further categories should be noted: Palestinians in the Diaspora who are citizens of their host countries, Palestinian refugees living outside Palestine and Palestinian refugees living within Palestine. Within each category, birth and marriage registration may differ with Israel separating all four categories for two apparent reasons. Firstly, such administrative and geographic segregation serves to minimize or, at the very least, fracture the Palestinian national identity and aspirations. Secondly and very critically from Israel's perspective, fragmentation and denial of legal existence is one of the key weapons to tackle the 'demographic threat'.

It should be noted that, in each category, Palestinians hold different ID cards, have different civic status (or no status at all) and are subject to different rules, laws and regulations. The much coveted blue Jerusalem ID card does not confer upon its holder Israeli citizenship. Rather it acts like a 'green card' permitting residence which may be taken away under certain conditions. Nevertheless, Jerusalem ID holders can enter and exit from Jerusalem. Theoretically, they have access to some government services and their movement within Jerusalem is permitted. West Bank ID holders, by contrast, cannot enter Jerusalem or Israel; they have no access even to Arab services within the city and their movement even in the West Bank is restricted. Because Jerusalem and the West Bank have, between them, roughly 250 permanent checkpoints as well as innumerable numbers of roaming checkpoints, ID cards have become the center of each Palestinians existence.

Israel is progressively achieving the reduction of the Palestinian population through a number of measures. In this document, we focus on the legislative and procedural measures which are achieving this political aim through the use of legal documentation.

All registration and ID card issues for all Palestinian Jerusalemites are controlled exclusively by Israel. Importantly, this control also applies to the West Bank and Gaza. Possibly more than anywhere else in the Middle East, ID cards for Palestinians are the control mechanism of the occupying state. Because Israel is the controlling entity on the issue of legal documentation, and because Israel's aims are political rather than gendered, there are few dimensions of this issue which apply most specifically to women. Indeed, because of Israel's emphasis on security issues, it is possible to conjecture, though no hard evidence could be identified, that ID issues are more complex for men than they are for women. Still, there are several gendered dimensions to the issue of legal documentation. The issue of legal documentation as proof of legal existence is both complex and highly politicized within the context of the Arab-Israeli conflict. Unlike many Arab countries where one of the core reasons why women lack ID cards is linked to either lack of awareness or gender discrimination at the societal and/or procedural level, in Palestine, the reasons are exclusively political as will be described below. Indeed, heightened awareness of the importance of legal documentation for both genders is a distinguishing feature of Palestinian society for both men and women. Where discrimination does exist, it is at the ethno-political rather than gender level. In other words, legislative and procedural discrimination is practiced by the Israeli occupiers against the whole of the Palestinian population regardless of gender.

However, a growing problem of child registration at birth, especially in Jerusalem, for both male and female children, is presenting itself due to a number of measures, both practical and legislative which Israel is implementing. These include the dividing up of the city, the prohibition on registration unless both parents are Jerusalemites and the previous requirement that children be registered only on the ID card of the father. This is very similar to the situation in all the countries that were studied. The male ID is still perceived as the most important document. This leaves the growing number of FHHs in Palestine at a disadvantage.

Israel is actively encouraging loss of papers as a means of reducing the number of resident Palestinians. In this effort, women marrying outside Palestine are becoming a vehicle for confiscation of legal documents. The problems identified with regards to Palestinian women are unique to the situation of a people living under a brutal occupation. Legal documentation is one of the principle weapons being applied in this effort and, for this reason, Palestinian attention to legal documentation and the importance placed upon it by all Palestinians regardless of gender, is perhaps unique in the Arab World.

In one regard, though, gender and its location at the juncture between two different and unequal cultures has been used to further Israel's aims. Until 1999, Israel generally allowed family re-unification for women marrying Palestinian men. In other words, Israel, specifically recognizing the paternalistic nature of Arab society (though within Israeli society gender equality was legally enshrined), allowed non-Jerusalemite women to join their Jerusalemite husbands to live in the city. The same was not true for Jerusalemite women marrying non-Jerusalemite men. Thus, using the Arab patriarchal model whereby the bride goes to live in the groom's household, Israel allowed women's movement into Jerusalem but forbade the groom's movement into the city to live with the bride. Women marrying into the city were not subject to

the lengthy and complicated security processes. Nevertheless, allowing movement in translated into allowing women to apply for residency though, on average, granting residency takes approximately seven years.

Using similar arguments about the inherently patriarchal nature of Arab society, Israel, until last year, insisted that child registry can only be done in the father's ID card. Jerusalemite women married to non-Jerusalemite men were therefore prevented from registering their children as Jerusalemites. It is interesting to note that, in this context, Israel used the argument that Arab states do not allow for nationality to be transmitted through mothers and therefore Israel would respect similar procedures for the Palestinian population despite the fact that Israeli nationality is passed through either parent and Jewish religion is matriarchal rather than patriarchal. In other words, Israel has used gender discrimination within the Arab world to deny the existence of Palestinian children born to Jerusalemite mothers and non-Jerusalemite fathers reducing the concept of a 'state' to that of even half a city.

While preventing Palestinians from obtaining papers, Israel is also actively withdrawing papers from Palestinians. In 1999, Netanyahu introduced new legislation which stipulated that any Jerusalemite who could not prove 7 years of continuous residency in the city would have their identity cards withdrawn. After much controversy, the period was reduced to 3 years. Nevertheless, this legislation has resulted in the loss of 'residency rights' for many Jerusalemites while at the same time limiting Jerusalemites' ability to travel abroad for extended periods for study. In some cases, papers have been withdrawn after an absence of less than one year.

Israel is particularly targeting women in its withdrawal of papers campaign. Because women are not allowed to bring their husbands to join them (whether they are Palestinian or not) in Jerusalem, some women are leaving, temporarily, to join their husbands. There have been several documented reports of Israeli officials forcing women to sign documents at exit ports in which they relinquish, permanently, their Jerusalemite ID cards. Men are also subject to this procedure though in the case of men it is more often applied to non-resident Palestinians who may be returning to visit family or friends. In this way, Israel is using the twin weapons of prevention of family unification and the demand for relinquishing residency rights to transfer Palestinians out of Palestine.

Once papers are lost, whether by their deliberate confiscation by Israeli soldiers or through accidental loss, their replacement is a very long, complicated and virtually impossible procedure.

This account demonstrates two things, first that identification documents are serious weapons that affect the existence and identity of different groups. A sense of identity is very relevant to the Palestinians' need and right for complete citizenship not only in the occupied territories but inside Israel as well. A sense of identity is also important if women in the Arab world are going to participate as equal citizens in the construction of a better region.

## *Annex 6: Participants*

**Table 4: List of Partner Organizations and Contact Information in Jordan, Morocco and Yemen:**

<b>PARTNER ORGANISATION</b>	<b>CONTACT PERSON</b>	<b>CONTACT INFORMATION</b>
Sisterhood Is Global Institute (SIGI)- Jordan	Rula Al-Sadi <a href="mailto:rula@amanjordan.org">rula@amanjordan.org</a>	5 Nadim Al Malah Street Jebel El Lweibeh, Amman, Jordan <a href="mailto:sigi@firstnet.com.jo">sigi@firstnet.com.jo</a>
Global Rights: Partners for Justice- Morocco	Stephanie William Bordat <a href="mailto:stephw@globalrights.ma">stephw@globalrights.ma</a> Said Kouzzi <a href="mailto:saidak@globalrights.ma">saidak@globalrights.ma</a>	3 rue Oued Zem appt.4 Rabat Hassan 10000 Morocco
Women Affairs Support Centre (WASC)- Civil Democratic Initiatives Support Foundation (CDF)- Yemen	Sultana Ghana Hidar Aly Abdulla El Mikdad	Hida Street Sanaa, Yemen <a href="mailto:cdf@y.net.ye">cdf@y.net.ye</a>

**Table5: List of Participants Interviewed by Type of Institution in Egypt**

<b>NAME</b>	<b>ORGANISATIONS</b>	<b>DATES</b>	<b>METHOD</b>
<b>POLICY-MAKERS</b>			
Zeinab Shahine	Social Fund for Development		Phone Interview
Mohamed	Development Support Centre		Phone Interview
Colonel Hani Rifaat	National Council for Women		Semi-Structured Interview
<b>DONORS AND NON-GOVERNMENTAL ORGANISATIONS</b>			
Mohamed Waguih	British Embassy		Phone Interview
Ian Ruff	British Embassy		E-mail Interview
Arlette Osserian	Dutch Embassy		Phone Interview
Emanuella Pouzzan	Italian Embassy		Semi-Structured Interview
Amgad	Italian Cooperation (PAP)		Semi-Structured Interview
Karim Tartosseih	CIDA		Semi-Structured Interview
Ghada Abdel Tawab	CIDA		E-mail Interview
Barbara Hatour	GTZ		Phone Interview
Ellen Michel	GTZ		Phone Interview
Alessandra	APS		Semi-Structured Interview
Sharry Lap	Ford Foundation		E-mail Interview

Nelson	IGWS		Semi-Structured Interview
Mahmoud Gamal El Din	World Bank		Phone Interview
Azza Soliman and Abeer Ali	The Center for Egyptian Women's Legal Assistance (CEWLA)		Semi-Structured Interview
Nihad Abou El Komsan	Egyptian Center for Women's Rights (ECWR)	22/09/03	Semi-Structured Interview
<b>RESEARCH INSTITUTES</b>			
Hoda Rashad	Social Research Center (SRC)		Semi-Structured Interview, Meeting
Ramadan Hamed			
Alia Mahdy	Cairo University- Faculty of Economics	21/09/03	Semi-Structured Interview
Madiha El Safty	American University in Cairo (AUC)	18/09/03	Semi-Structured Interview

## ***Annex 7: Focus Group Discussion and Interview Guidelines***

### ***Focus Group Discussion Guideline***

Focus Group Discussions revolved around the following questions:

- 1) How aware are women of the need for ID cards?
- 2) To what extent do women see these documents as important in their lives? What are the characteristics of women who see this as important? What are the characteristics of women who see this as unimportant?
- 3) What use do women see for the ID cards? Why do they need them? If they see no need/use for the ID card, why is that?
- 4) What do women know about the process of getting an ID card? What types of documents or help from family or government officials would women need to get an ID card?
- 5) From women's experience, what is the process for getting an ID card? What types of documents or help from family or government officials did the women need to get an ID card?
- 6) Did women try to get an ID card? If not, why not? If women did try to get an ID card, how did they go about it?
- 7) Based on what women heard or read or saw, what problems would they expect to face in trying to get an ID card?
- 8) From their own experience, what problems did the women face when they tried to get an ID card?
- 9) How did women overcome the problems? What help did they receive and from whom?
- 10) What kind of change do women want to see in order to help them get access to ID cards?

### **Interview Guidelines**

#### **I. Interviews with Policy-Makers and Service Providers:**

- 1) The nature of the problem of legal documents for women.
- 2) The scope / extent of the problem of legal documents for women.
- 3) The particular groups of women who may not have legal documents or who may have the most difficulty in obtaining them.
- 4) The importance of legal documents for women and the impact of their absence on women's lives.
- 5) The process women have to go through to obtain legal documents.
- 6) Government policies and practices helping or hindering women in the process of getting legal documents.



7) What the government can do in terms of policy, practices, training, sensitization, campaigns, etc to improve women's access to legal documents.

## II. Interviews with Non-Governmental Organizations and Donors (Egypt):

- 1) The experiences faced by a specialized NGO in working with women.
- 2) The NGO's assessment of the nature and extent of the problem of legal documents for women.
- 3) The NGO's experience of dealing with government offices and/or policy/decision making, where appropriate.
- 4) The NGO's view of the obstacles women face in obtaining legal documents.
- 5) The NGO's assessment of the particular groups of women who face such difficulties.
- 6) The NGO's recommendations of how best to help women get legal documents.

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