

**SEMINAR: Women in labor law  
and work-family life balance  
in the MENA region**



**Labor law and work-family life balance:  
Proposals to improve. Immigration, integration  
and labor market: the role of education**

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**Introduction:**

The right to become educated has been long sought after by women. The history of women's education parallels the beginning of feminism. Women have made huge strides toward receiving desirable education, but there is still much work to be done. Education has been the stumbling block keeping women from attaining advantageous status in society, separating them from their male counterparts. It has also been the door to this elusive dream of equality. Before women gained the right and privilege of higher education they were believed to be lower-class citizens, not worthy of voting or owning property, or any number of other "absolute rights". It **was** not only men who believed that women should hold a lower position than they, but it **was** the community as whole.

However, they were finally able to break free from these social constraints through education. They became educated, and through this knowledge gained a sense of self-worth and the power to change history. "***Education is the foundation of the empowered women of today***".

## **Education:**

*As you educate a woman, you educate the family. If you educate the girls, you educate the future "Queen Rania, May 2006".*

### Hints on what Education and woman status used to be

The 'Banking System of Education' is a phrase that was first used by Paulo Freire (1970). It is an approach to teaching that resembles "an act of depositing, in which the students are the depositories and the teacher is the depositor". The Banking System of Education" is the opposite of what Freire advocates: an education that announces the importance of dialogue, engagement, and equality and denounces silence, and deplors oppression.

Certain of regimes in Arab countries are still very far from being progressive but instead oppressive...the content of educational curricula has remained rigid, unimaginative, and incapable of responding to the needs of fast changing societies.

Regarding the aforementioned, in this regimented effort, the place assigned to women is that either being oppressed as an outcome of Freire system or progresses based on John Dewey system.

In contrast, the '**Banking System of Education**' in schools and education systems in general were and are used to **perpetuate** and **reinforce** certain ideologies about women's "**nature**" and "**role**". Women's education used to be limited to what is helpful to women's primary role as wives and mothers; therefore, women didn't have access to the same jobs as men.

### Hints on what Education and woman status is and to be

Nowadays Arab women focus on getting progressive education opportunities inside their countries and abroad, where they are encouraged to examine, discover, question, and analyze instead of taking things at "**face value**". Thus, **Dewey's progressive philosophy** of education is becoming very noticeable from the women's narratives. They believe that it leads to social progress and reform. Arab immigrant women in Canada stated that we should go for education system that is not based on memorization but is based on interactive engagement that strengthens women's abilities.

Another immigrant Arab women elaborate the contemporary scholars such as Barbara Bailey (2000,2003), and McLren(1991). **Dewey's progressive philosophy** in schools and education systems in general were and are used to **perpetuate** and **reinforce** certain different ideologies about women's "**nature**" and "**role**". Some elements of education that lead to transmission of knowledge, style, and values that constitutes the culture of people, focusing on developing women's intelligence so that they will be capable of going beyond the cultural ways of their social world, ability to innovate in however modest, away so that they can create an interior culture of their own.

### Does Education affect the perception of the women towards themselves?

Some studies show that Arab girls whose parents have got the chance to study and finish their high studies especially abroad like in Canada, USA, UK. have a higher

chance of being educated and integrating in different roles in their society and other societies. ***They start believe in themselves and in their roles.***

Some limitations like: ***Economic conditions, cultural norms, and religious beliefs*** may lead to women migration or immigration and at the same time affect their participation inside their countries and abroad. "Girls" aspirations for further education lead them to seek professional roles for themselves inside their country, if not, abroad.

Different studies show that Arab women who immigrated to certain countries i.e. Canada either to study or to live clarified that ***their education gave them sense of confidence, the ability to argue, articulate, think critically, ability to question the ascribed gender roles, challenge cultural and traditional ideas.***

### ***Different legislations Based on Islamic Religion***

In Islam, men and women have the same religious, moral duties and responsibilities. Yet, ***cultural traditions*** governing Arab Muslim societies ***subordinate women***. On the other hand, ***Islamic teaching greatly emphasizes the importance of education and encourages women's participation in all public spheres.*** Yet, many of the customs or rules adhered to today cannot be found in Islamic texts, but rather on social customs, traditions and manmade rules. Therefore, this put great emphasis on education and women's ability to think critically regarding their rights.

### ***Education Systems in Arab World:***

Education systems in Arab world societies ***used to be reflective of Freire's "Banking System of Education"***. Memorizing, Storing, and reiterating the content for exam, unquestionable when it relates to religion or cultural tradition, everything in that regard is taught as "The best and only".

What women in Arab world seek nowadays is a kind of a continuous and creative Education; they get aware that they have the right to get the higher degrees of education for their life and their families as well. Women's aim is to develop the ***capacities latent in human nature and to coordinate their expression for the enrichment and progress of society, by equipping children with spiritual, moral and material knowledge. Different movements in the Arab world stress the women genuine and actual need for education. The women leaders as queen Rania of Jordan, Asma of Syria, and princess Moza of Qatar, assure this fact with very clever initiatives regarding women education and eradication of literacy, focusing on women's role in improving Arab societies.*** In such initiatives they testify:

*" In science, art, business and politics, Arab women are increasingly making their mark, while not exactly centre stage yet. They are heading in the right direction to make an important impact in the 21 century .The days when Arab women were frequently seen but not heard outside the home or more frequently still, neither seen nor heard, are thankfully over in most of the Arab world. In the more liberal Arab states such as Lebanon and Tunisia , women are to be found in all sections of the workforce. But even in*

*the traditionally conservative Gulf States, women are increasingly making their mark. Arab women are not turning away from their traditional roles as wives and mothers but increasingly seeking to combine them with a career outside home. And certainly there are no shortages or role models, all of them leading from the front”.*

***Education to Arab women whether they stay in their countries or obliged for one reason or another to immigrate is:***

1. Creative process, helps them to achieve an essential harmony between faith and reason, encourages the free investigation of all reality and trains their minds to recognize truth, Therefore, women need ***True Education*** to release their capacities, develop their analytical abilities, confidence in themselves, and instills the vision that will enable them to become self-motivating agent of social change, serving the best interests of the community.
2. Therefore, women need an expanded ***Definition of Education***, to free them from today's largely economic context and acknowledge their role in transforming both individual lives and entire society.
3. They need Education in terms of the ***knowledge, qualities, skills, attitudes, and capacities that enable them to become conscious subjects of their growth and active responsible participants in a systematic process of building a new world order.***
4. They need education as ***an Instrument of Change, educated women should understand their positions as members of both a local community and the world community and they must believe that their lives can make a difference.***
5. Education to them is a tool that helps making their ***children*** collaborators both in their own growth and in the development of their community.
6. Although economic considerations are recognized as necessary in educational planning, resistance is growing against the conventional view that education is chiefly a means for only improving the women economic situation. However , the purpose of Education for individuals both male and female --- is to develop the powers and capacities latent within them, so that they may contribute their share to an ever advancing civilization.
7. They should be provided with ***Universal education*** that is relevant to the true needs of a community and contribute to the unification of mankind.
8. ***Women's Moral Education is Community Responsibility*** as they will be asked about the future generation, The dual responsibility of developing the child's character and stimulating his intellect, belongs to women as mothers, teachers, then to the community as a whole.

9. ***Practically speaking*** Women need education as it helps them ***lead to an adequate understanding of some of the concerns of programmers of social progress, such as health and sanitation, agriculture, crafts and industry, at least in the local context.***
10. It is for ***humanity and dedication to the unification of mankind.***

*But motherhood itself is not purely a feminine role; all the more so it is a human role in a woman's life. Thus, the role of a woman as a human being remains her most essential role in life. **She must confirm, in her actions, that she is***

- a person of ***reason***
- a person of ***will***,
- a person of ***affection***,
- a person who ***has a mission to carry out***
- And she should ***prove that she has the ability to take part in life.***

So, women's humanity is the most important aspect in their personality, women were created to contribute to the existence with the faculties they have, just as God created men to contribute to the existence with the abilities they possess. ***Therefore, we believe that, while the feminine aspect of the woman's personality is revealed in a delimited sphere, her human aspect is manifested in her whole existence as a woman.***

Even more, the ***human aspect of her personality*** will indeed be integrated with the ***feminine aspect of her conduct as a female***, whether with her husband or within her own specific feelings of femininity. The aspect of humanity in her will enrich that conduct turning it into a nobler one, and will expand her giving in so many different ways in her family and the society as well.

## ***The intrinsic role of women in Islam rulings and legislations***

The saying that Islam ties the woman down to a homemaker role is a frequently heard reflection on the way things are, and this is why it is worth discussing. But before going into the depth of the subject, we should point out the presence of ***two kinds of rulings in Islam:***

- ***The first*** kind is the binding rules that necessitate the person to do something or not to do it, and they are called the obligation and prohibition rules.
- ***The second*** is the rules that urge the person to do something but do not compel him to doing it; or exactly the opposite, wishing him not to do something but at

the same time do not prevent him from doing it, and they are called ***the preferable and the detested***, or the rules ***that allow the person the possibility of choosing whether to do or not to do***.

***Well, does Islam oblige the woman to be a housewife before and after marriage?*** According to Islam, not a single person whether a father, a mother, a brother or any relative, is authorized to legitimately oblige the woman to manage domestic work in her parental house before marriage. So, housework is not imposed on women just like neither the father nor the mother has the legitimate right to oblige the boy to handle housework.

But Islam does not consider that women's housework as one of the marriage contract articles, and it also does not require the women to carry out any kind of jobs outside home to support her family or to contribute in supporting it. On the basis of the marriage contract, man can demand nothing from his wife but the rights to the private marital relationship and all what is related to it. Anything other than that, such as arranging the household affairs and bringing the children up, would not be imposed on her.

*From this perspective, we can approach the issue of women's work in the house as women's finest contribution that completes men's finest contribution.*

Woman is not obliged to work inside the house or even outside it does not mean that she must do nothing in life. Indeed, the core issue is that Islam wanted women to handle their housework motivated by reasons of ***giving and not out of obligation, as a social service***.

***When Islam didn't force women to manage the household affairs, it offered them the opportunity to participate in building the society they live in.***

And the saying that a woman is not bound to carry out any career outside home to make a living does not mean in any way that her role in life is canceled. On the contrary, it indicates that the opportunities are, indeed, wide enough for her to perform that role in a way that her job as a mother and as a homemaker, her participation in supporting her family and even the responsibility of supporting herself do not drain her power to contribute to the public fields.

***Alternatively, Islam and all religions assure that women have unique role in participate, practically, in the persistent building process, building themselves, their children, their families, their communities,..***

## ***The of Emigration and integration: the Role of education***

The South East Mediterranean countries would today have an aggregate emigrant population of 12.7 million, defined – as far as the statistics allow – as persons born in a SEM country with the nationality of that country and now residing in another country,

whatever nationality they may currently hold. There are 8.2 million (64.7%) of these emigrants in the European Union, 2.7 million (21.4%) in Arab countries (The Gulf, Libya and other SEM countries) and 1.7 million (13.7%) in other regions of the world. The Gulf States (the destination for numerous migrants originating from Egypt, Jordan, Lebanon, Palestine, Syria and Turkey); Libya (notably migrants from Egypt and Tunisia); countries of sub-Saharan Africa (particularly migrants from Mauritania).

### ***Contemplating emigration. why?***

The flow of emigration from SEM countries has continued in 2007 and 2008. This is demonstrated in the records of the receiving countries, where they exist, as well as in observations made in the SEM countries. Statistics provided by the countries of origin confirm the continuation of emigration. Several surveys have revealed that the proportion of young people with the desire or intention to emigrate is not only extremely high, but is also rapidly increasing in the SEM countries.

### ***The migratory pressures being exerted on the people can be explained by the following:***

- Existence of well established diasporas which generate or facilitate further migration, notably via the channels of family reunification.
- The persistence of strong differentials – political as well as economic – between the North and the South of the Mediterranean and young people's increasing desire for mobility and to experience migration.
- The lack of security due to the conflict with Israel, ..
- unemployment,
- under-employment,
- inadequacy in jobs offered compared with education received,
- low rewards to skills,
- Lack of freedom and a deficit in governance.
- the pressure of external events (conflicts in Iraq, Palestine and Darfur) and internal economic developments
- the world financial and economic crisis which started in 2007-2008

### ***What countries do to match the aforementioned demands?***

With the aim of re-opening channels of legal migration for workers, several governments amongst the SEM countries have signed bi-lateral agreements on the movement of labour with various other countries, European and otherwise

### ***For example: In Jordan, with the new employment legislation of 2007***

It reserves a certain number of professions for Jordanian citizens, between 100 and 200 thousand Egyptian farmers long established in the valley of the Jordan River found them potentially, from one day to the next, in a situation of irregularity.

### ***Kind of immigrants***

1. Regular
2. Irregular

### ***Women immigration:***

1. Permanent immigration
2. Spontaneous immigration

Women immigrate for certain reasons that call them for social adaptation with new society to be able to live easily. Thus, women usually immigrate to:

- Improve their financial and family life situation
- Join their husbands and families
- Study
- Avoid social oppression
- invest

### ***Immigration and integration:***

1. Uneducated women are unqualified women. When they immigrate for one reason or other possible chances of work and social relationships will be very rare. That lead them to a very bad feelings of segregation and isolation.
2. Changing lifestyles and working hours of which a positive value to the immigrant women, regardless they work or not, educated or not.
3. Arab immigrant women find difficulty in preserving and protecting their traditional lifestyle, especially if they are married and have children.
4. Long hours work and the absence of the mother or the father for long hours kills the mothers' role and impact on her family, on the other hand , staying at home the whole day long without work kills her, or may lead to solitude from one side or limitless unwise inclusion.

### ***Conclusion:***

As mentioned before the Arab women leaders focus on equal educational rights for women and has channeled her energies into projects that aim to improve the livelihood of under-privileged groups in different Arab societies to decrease the



immigration percentages. Their activities encompass the development of women generating projects, the protection of children from violence the promotion of early child development as well as encouraging the advancement of the best practices in the field of micro finance.

Many women foundations are established, various non-governmental organizations which assists women in becoming decision makers within their family unit and contributors to the country's economy. While the desire for women to play an equal role in the development of their countries is gaining momentum, there are certain practicalities to be addressed. In a report on the role of women in the modern Arab world it was said that the social and political imperative is the need to work to create a harmonious society of men and women working together to build a better society and economically prosperous region engineered by Arabs for Arabs.

Without their input we isolate 50% of our populations, 50% of our talent, 50% of our creativity and 50% of our potential

A very simple example on how the women status in the Arab world become now. The status that reduce the increase of their immigration and migration. Women in Jordan integrate brilliantly in a much accelerated manner in different aspects of life, even in the political life. Nowadays, Jordanian women have their own quota in the parliament. In 2010 elections the Jordanian women achieve a very distinguished progress on different levels; they have the highest percentage as voters, around 134 candidates were nominating their selves in different regions of the country, and for the first time the parliament has 13 women as country different regions representatives which equals 10.8 of the whole number of the parliament members in Jordan.

**Education supports women's Dignity and Decision Making**

