

CALL FOR APPLICATIONS:

Desk Review Mandate / Legislations Pertaining to Women’s rights to Inheritance in Algeria, Egypt, Jordan, Lebanon, Morocco, Palestine, Tunisia and the UAE

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| **Location :** | MENA |
| **Application Deadline :** | June 20, 2012 |
| **Type of Contract :** | Individual Contract |
| **Post Level :** | Regional Consultant |
| **Languages Required :** | Arabic and English, French would be an asset. |
| **Duration of Contract :** | 2 months |

## Background:

The Regional Economic Empowerment of Women Project (REEWP) is a bilateral project managed by Oxfam-Québec and funded by the Canadian Government through the Canadian International Development Agency (CIDA). Its regional office is based in Amman, Jordan. The project aims to contribute to providing an enabling environment for the sustainable economic development of women and economic empowerment opportunities in the region. At the end of this period, the full participation of women (including young women aged 18 to 35) in the economic development should have increased in the targeted countries: the West Bank and the Gaza Strip, Jordan, Lebanon, and Tunisia. The duration of the Regional Economic Empowerment of Women Project (REEWP) is four and a half years. The project is implemented by four key partner-organizations in the MENA region: The Jordanian Hashemite Fund for Human Development (JOHUD) in Jordan; The Collective for Research and Training Development Action (CRTD.A) in Lebanon; The Centre for Arab Women for Training and Research (CAWTAR) in Tunisia, and The Palestinian Businesswomen Association (ASALA) in the West Bank and the Gaza Strip.

The project aims to reinforce the capacity of these partner-organizations at three levels: to act on, to influence and to support services for the economic empowerment of women in the realm of their work. One key strategic element is to foster the maintenance and growth of dialogue among MENA countries as a mean to ensure the economic empowerment of women. By doing this, the REEWP is creating a regional network to exchange knowledge, expertise, methods and tools, and to share priorities for action in terms of policy work, support services, and support of initiatives relating to the economic empowerment of women. REEWP proposes to do so through a combination of strategies involving advocacy, research and knowledge as well as direct and business development services. Fundamental to achieving women’s economic rights is the involvement of a variety of stakeholders; each specialized in different aspects of women’s economic empowerment. By coming together to share their expertise and learn from their respective experiences, they can create the basis for real change.

In order to implement a regional campaign on women’s economic empowerment, research efforts were invested in the last year, under the leadership of the partner CAWTAR, in order to understand better the realities of rural women as well as the main legal issues and obstacles facing women’s economic empowerment. These findings were then validated through both national and regional workshops, involving participants from the partner-organizations and other stakeholders – from civil society, governmental bodies and multilateral agencies. Participants from 6 countries present (Algeria, Jordan, Lebanon, Morocco, Palestine and Tunisia) identified as a regional priority the closing of the gaps in access to and control of resources through the realization and protection of women’s human and legal rights to property (more specifically on the enjoyment of inheritance rights). The expected change is to guarantee legal and legislative mechanisms and action if it does not exist or is not complete to ensure that women do not relinquish their inheritance easily.

In most countries of the MENA region, while legislation and Shari’ a provide women with the right to own and dispose of property independently, women often are obstructed from enjoying such rights because of various legal, cultural and societal barriers. As an example, a woman who inherits property may be pressured by male relatives to relinquish her interest and right sighting the preservation of family wealth as a pretext. Gender construction and the societal reality, distribution of roles and power, norms and traditions, and the community and individuals (including sometimes women themselves), consider that the patrimony of the family should not have to go out the family which is usually represented by its male members. According to the culture of certain areas, girls are born to build and enrich other families[[1]](#footnote-1) socially and economically due to their reproductive function (having children particularly boys) but also economically[[2]](#footnote-2), in terms of reproduction and production.

Taking into account the differences, particularities, and specificities of each country, it was suggested that a mechanism be developed to apply the existing laws. The partners also agreed to adapt and customize the interventions according to the desired change in each country and its characteristics and conditions. Although all countries agreed to advocate for women’s right to inheritance and ownership, each country’s ‘key partner organisation set a specific objective:

* In Jordan, the objective is to amend the reconciliation period, whereby the woman cannot waive her right to inheritance, before a minimum duration of three months following the determination of the heirs. Another objective is to address the main social customs prevailing that are heavily associated with depriving women from their inheritance rights.
* In Lebanon, the objective is to call for the enactment of a civil law and the unification of the division of inheritance on civil basis and not on religious grounds, and to create a mechanism for the application of laws in the remaining countries away from customs and traditions.
* In Palestine, the objective is create a standard procedure regarding inheritance issues, showing the division of inheritance when conducting any legal transaction, similarly to the selling and buying operations, or the establishment of a company.
* In Tunisia, the objective is to show solidarity and cooperation with the other countries as, in Tunisia’s current situation, there are no impediments or hindrances to women’s right to inheritance and ownership.

The advocacy campaign is divided into two phases. The 1st phase will encompass the preparation of the campaign and reprioritization of the issues related to data and information through 1) a research focusing specifically on the inheritance legislations in the targeted countries, 2) the development of media and advocacy tools and 3) the design of a draft/proposed legal framework that guarantees women’s rights to inheritance and ownership. The 2nd phase will encompass the implementation of the advocacy campaign.

Within the framework of the preparation phase, the first step is the production of a detailed desk study that will review, evaluate and document all relevant and existing studies and laws as well as targeted countries’ experiences related to human and legal right to inheritance and right to ownership, and recommendations/good practices to guide the KPOs in the regional campaign.

The desk review will also identify and profile relevant and influential decision makers relevant and influent for the change as well as influential stakeholders who can give support and bring about change from concerned countries and at regional level to build coalitions (e.g. decision and policy makers from executive and legislative bodies/constituencies, high level religious leaders, etc.) and networks (e.g. civil society organizations, medias, political parties, religious and community leaders, medias, etc.).

For this purpose, the Palestinian Businesswomen Association (ASALA), under which, the advocacy campaign will be led, seeks to subcontract a consultant or consultancy company.

## Mandate:

The consultant will be responsible for conducting a desk review and analysis on the current laws and policies focusing on women’s human and legal right to inheritance and to ownership in eight countries of the MENA: Algeria, Egypt, Jordan, Lebanon, Morocco, Palestine, Tunisia, and the United Arab Emirates (UAE). The study will provide a description and analysis of the legal framework of women’s inheritance rights as well as various interpretations of Shari’a (fiq’h/jurisprudence) in the targeted countries as well as the application of the legislation. In addition, the desk review will also identify decision-makers at both national and regional levels that this campaign should address in order to bring about the noted change.

The study will provide recommendations, good practices and lessons learnt that will stem from both successful experiences of women enjoying their inheritance rights and suggested actions that will result in a law or mechanism guaranteeing equitable distribution of inheritance and women’s human and legal rights to inheritance enjoyment, within 3 to 5 years of this campaign’s launching. The required changes are three-fold:

* To delay the inheritance procedures for six months (or more according to the context) following the loss (It should be noted that Jordan has worked on amending the reconciliation period from one month to 3 months, following the death of the testator, furthermore it has been advised through the Civil Status Law in Jordan that this period is sufficient for mourning, and does not impact inheriting women’s economic conditions, taking into account that the long period would prevent heirs from gaining access to their legal heritage, the issue that might affect their economic situation and life conditions)
* To register her inheritance shares in her name first; to waive them later if she should so decide
* To raise women’s full awareness of their full human and legal rights, through a joint campaign between the media and relevant bodies.

**Main Duties:**

* Review all aspects of laws as well as various interpretations of Shari’a (fiq’h/jurisprudence) in the assigned countries related to inheritance and women’s ownership and their application
* Provide comprehensive information on legislations pertaining to women’s inheritance rights  and ownership rights in all the targeted countries
* Provide a comparison analysis between the inheritance laws which will highlight good practices that will support and protect women’s inheritance rights
* Suggest mechanisms or legislations that can guarantee women’s inheritance rights (i.e. all inheritance should be distributed and transferred legally to all beneficiaries before any of them can waive it to others )
* Suggest mechanisms or legislation that make it difficult and inconvenient for women to waive their inheritance rights (i.e. giving away any inherited property  cannot be allowed before a certain period of time  (i.e. 6 months) after the death of the testator, or as mentioned above: make it illegal for a women to waive her inheritance rights)
* Present the key findings and recommendations in a regional meeting for validation/discussion, which will also serve as a platform to build/strengthen the national and regional coalitions; serve as the first planning meeting/activity for the national and regional coalitions
* Provide final report based on recommendations of the regional validation/discussion meeting and that incorporates any other changes recommended to the draft report. Final report will be approved prior to the validation/discussion meeting by KPOs

## Deliverables:

* Desk review - description and analysis - of women’s inheritance rights legal framework in the targeted countries (report in Arabic and summary in English);
* Mapping of the main decision-makers, both at the national and regional levels;
* Recommendations on mechanisms guaranteeing equitable distribution of inheritance and women’s rights to inheritance enjoyment;
* Compilation of best practices that stem from both successful experiences of women enjoying their inheritance rights.
* Regional meeting to validate the findings of the desk review and identify the most relevant legal arguments/practices as well as define accordingly the strategic framework of intervention with identified members for the coalitions

**Reporting Requirements:**

During the course of the mandate, the consultant or consultancy firm will report to ASALA (main contact at Asala to be determined), and the consultant will deliver the following reports:

* An Inception Report within one week of signing the contract detailing the proposed work schedule and general approach and methodology for undertaking the assignment as well as a proposed structure of the final report;
* A draft report that details findings, recommendations and mapping/profiling of main decision-makers and influential personalities and groups in the different countries and region, compilation of best practices;
* Pre and post presentation reports for a validation workshop with key actors;
* A final report that incorporates any change recommended to the draft report.

## Required Qualifications

* Education:
* Minimum of Master’s degree (or equivalent degree) in governance related field (or equivalent work experience) including: Law (specifically Islamic law), Economics, Public administration, Business Administration, Public Policy, Social Science, Political Science, Gender knowledge …
* Work Experience:
* Minimum 10 years of experience in rule of law, justice, governance or closely related field. Experience of public service delivery and organizational change management in public institutions an advantage;
* Proven experience working in a developing context and in the MENA.
* Experience of drafting user-friendly knowledge products such as books, articles, research papers, toolkits, guides, methodologies, analytical documents, policy papers and notes, project and program documents, baseline studies, desk reviews, comparative studies, etc. is an asset.
* Knowledge of high-level governance, capacity and public communication support is an asset.
* Technical Skills and Expertise
* Demonstrated theoretical understanding and practical experience of women's rights/gender equality in the Middle East and North Africa
* Understanding of and familiarity with religious law/texts
* Demonstrated knowledge of legal frameworks in the MENA
* Demonstrated knowledge in preparing documents for discussions
* Fluency in spoken and written Arabic and English is obligatory.
* ICT literacy
* Core Competencies
* Professionalism – Strong knowledge of the field of expertise with strong analytical skills, drafting and reporting abilities.
* Ability to manage workload with minimum supervision
* Planning & Organizing - Ability to plan work and manage conflicting priorities.
* Communication – Strong spoken and written communication skills with demonstrated ability to present information in a clear and concise style.
* Teamwork - Strong interpersonal skills and ability to establish and maintain effective partnerships and working relations in a regional environment, with sensitivity and respect for diversity.
* Openness to change and ability to receive/integrate feedback
* Other - Creative, solution oriented, flexible, positive attitude

## How to Apply

To apply for this mandate, interested candidates should send their proposal: including resume (with detailed information about prior relevant experience), a letter of motivation, 2 references, a written sample of relevant article/ publication/report in electronic format and a description of the assignment as understood, a methodology and a financial proposal to [salma@asala-pal.org](mailto:salma@asala-pal.org) Please reference **Women’s Rights to Inheritance Desk Mandate.**

Closing date: June 20th, 2012

Please note that we will be reviewing applications as they are sent in and may make contact with applicants before the application deadline.

REEWP/Oxfam-Québec sincerely thanks all applicants for their expressed interest in this opportunity; however, only those selected for an interview will be contacted.

1. البنت عمارة دار الجيران Algerian proverb “the girl is born to fulfill the neighbor’s house“ [↑](#footnote-ref-1)
2. So families do not really like investing on girls [↑](#footnote-ref-2)