

# **Do Social Safety Nets Catch Women?**

## **Women's Social Security Entitlements in the Arab World**

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# Introduction<sup>1</sup>

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There is no disputing the fact that investment in social protection strategies is an investment in human welfare. As a report from the International Labor Organization points out, spending on social protection in developed nations

"has been enormously successful in alleviating the poverty which might otherwise have been associated with the risks of ill health, old age, disability and unemployment. It has been associated with largescale proactive public policies of training and education which have encouraged individuals to regain employment once they have lost it. It has coincided with a massive entry of women into employment, and hence into their own individual income entitlement."<sup>1</sup>

In developing countries, therefore, where the specter of poverty is omni-present, understanding the working of social protection mechanisms takes on special importance. In the Arab World, where the regional economic growth rate is only of the slowest globally, the issue is critical.

We know that the past two decades have exerted a tremendous toll on national governments' ability to provide for the welfare of their citizens in the Middle East and North Africa. In the mid-1980s, a drop in oil prices sparked economic crises in countries ranging from Algeria to Jordan, and ensuing structural adjustments have translated into decreased public expenditures at a time of increasing poverty and unemployment. What we do not know, however, is how women are affected by current social security laws.

Research on this subject is limited. Macro-level reports written by international organizations on social safety nets in the Arab world rarely contain special sections on women, and the topic tends to be politically taboo domestically. So the burning question remains largely unanswered: Are men and women benefiting equally from existing legislation, or are there factors that cause women to be excluded from the very mechanisms in place to protect them? And if women are discriminated against, what social agents are in a position to effect significant change?

Using Algeria, Egypt, Jordan, Kuwait and Lebanon as case studies, this paper addresses the question of women's social security entitlements in the Arab world under prevailing economic conditions. The first section defines the terms of the project, and outlines the methodology and research constraints faced by the author. The second section describes current social security legislation in each case study, and the third section argues that discrimination against women in the implementation of social security laws (and in the laws themselves) is widespread, particularly in countries facing a resource crunch. The fourth section claims that non-governmental organizations are in a unique position to address this discrimination.

Ultimately, the author concludes that if women's social security entitlements continue to be left off the public agenda, the consequences will be dire for the next generation. Poor, illiterate women with no male figure to support them suffer the most from discrimination in entitlements, and of their suffering will come a new group of poor, illiterate sons and daughters.

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<sup>1</sup> Mariam Al-Foudery helped ADEW produce this document

# Methodology and Critical Assumptions

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## **Defining Social Security:**

According to the International Labor Organization, social security can conventionally be defined as "the protection which society provides for its members, through a series of public measures, against the economic and social distress that otherwise would be caused by the stoppage or substantial reduction of earnings resulting from sickness, maternity, employment injury, unemployment, invalidity, old age and death; the provision of medical care; and the provision of subsidies for families with children."<sup>2</sup> Traditional understanding of social security has changed in the past three decades, however. Today, the focus of many development experts is not so much on social security as on social protection, or the "provision of generalized basic social support for all citizens, regardless of contribution or employment history."<sup>3</sup>

In this paper, we adopt the World Bank definition of social security as a system that helps populations manage risk.<sup>4</sup> This definition allows us to cover both the contributive and non-contributive schemes that make up a country's social protection program.

Reviewing all aspects of social security laws in five countries is beyond the scope of this paper, however. In terms of contributive social security schemes, we have chosen to concentrate on old-age, disability, and survivor's pensions, and unemployment benefits. Sickness, work injury and maternity benefits are a significant but necessary omission. In our discussion of non-contributive aid schemes, we review only the most important programs in terms of expenditures and beneficiaries.

## **Defining Discrimination against Women:**

This paper concludes that women are discriminated against in social security entitlements, but what do we mean by discrimination? While discrimination can be defined easily enough as the act of distinguishing or marking differences, actually deciding what actions "count" under this definition is complicated. Does discrimination have to be overt or can it be de facto?

To use a simplified example, if Village X passes a law that states that women truck drivers are only eligible for 50 percent of the subsidized pension that male truck drivers receive, most people would agree that the law is unfair. If however, Village X implements a public truck driving scheme as its primary form of social aid, and women are allowed to apply but do not do so because social norms penalize women for driving trucks, is the law unfair?

In this paper, we would consider both policies of Village X discriminatory. For ultimately, the result is the same: limited resources are being expended in a way that does not give women the same opportunity to manage risk as men. In other words, we are writing under the assumption that laws that do not take into account the socio-economic realities of women's needs in social security entitlements are unjust.

## **Selecting Case Studies:**

Only by examining a mix of countries can we isolate variables that might contribute to differences in women's entitlements, and draw on common themes from the "Arab world". It is for this reason

that we chose Algeria, Egypt, Jordan, Kuwait and Lebanon as case-studies. The countries vary geographically, politically, socially, and economically.

**Research Methodology:**

The available research on this subject is limited. In order to obtain empirical information, however, we went to national embassies to obtain copies of social security laws, and wrote to a variety of non-governmental organizations throughout the Middle East and North Africa soliciting their help. We searched on-line for other materials, and found the databases of the Social Security Administration and the World Bank particularly helpful in establishing the structure of benefits in our case-studies. Much of our research was also based on personal networking. Primarily through email interviews, we used our connections in the feminist and NGO community to ask questions about subjects that are often considered too taboo to be discussed in official documents.

In the analytic component of this paper, Iman Bibars' analysis of women's social security entitlements in her book *Victims and Heroines: Women, Welfare, and the Egyptian State* provided the conceptual background for much of the discussion. We borrowed from her organizational structure and philosophical framework for evaluating women's actual entitlements.

**Research Constraints:**

We encountered several problems during the course of researching this project. Firstly, the timeframe for conducting this study was inadequate. To thoughtfully analyze social security issues in five countries, and even to physically receive data sent by mail, takes longer than the single month allocated.

Furthermore, we had communication difficulties. Many non-governmental organizations do not have web-sites, making it difficult to reach key players. Even non-governmental organizations that are on-line, however, often do not respond to emails.

Finally, not a lot of research has been done on this field in general. Much of the research on social security in the Arab world seems to have been done in the mid-90s as a review of structural adjustment programs, and is now out of date. In terms of women's entitlements, we could find very little information. As this paper is a synthesis of existing information, there may be many points that we have missed because discrimination against women in social security matters simply has not been studied systematically.

# An Empirical Review of Social Security Laws

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While any discussion of Arab women's social security entitlements must begin with a review of social security laws regionally, it must also be noted that no social security system is exactly the same in any two countries. Thus, before analyzing women's relative role in social security schemes, this section will provide empirical details on social protection strategies in each of the five case studies. It will review the laws themselves, contributive and non-contributive social security benefits, and the agencies in charge of administering various programs.

## Algeria:

### **Contributive Social Security Laws:**

Securite Sociale, the contributive component of Algeria's Social Security Program provides cash benefits for disability, retirement, survivor's pensions, unemployment, work injury and health care. Although all employed and self-employed people are technically covered under the system, the reality is that benefits are heavily tied to active employment in the formal sector.

#### *Old-Age, Disability, Death Insurance, 1983 Law:*

A 1983 law governs old-age, disability, and death insurance, and an additional law passed in 1994 deals with early retirement. In order to participate in this scheme, employers in the formal sector and their employees must contribute approximately 31.5 percent of the wage bill to social security funds.<sup>5</sup> Details on eligibility and benefits for various insurance programs are given in the following table:<sup>6</sup>

<b>Type of Insurance</b>	<b>Qualifying Conditions</b>	<b>Benefits</b>
Old-age Pensions	<p>* Men must be at least 60. Must have 15 years of insurance coverage. Early retirement available for those doing unhealthy or arduous work.</p> <p>* Women must be at least 55. Must have 15 years of coverage. Early retirement available for female workers who raised a child for at least 9 years</p>	<p>2.5 % of average monthly wage during last three years or highest 3 years of earning (whichever is most favorable) times years of coverage.</p> <p>Pension reduced by 1% for each year under age for full retirement benefit</p>
Disability Pensions	<p>* Loss of all working capacity for total disability pension, or half of earning capacity for partial disability pension.</p> <p>* Currently insured and has either 60 days of employment in last 12 months or 180 days in last three years.</p>	<p>Total Disability: 80 % of average earnings during last year of work, or best paid three years of work</p> <p>Partial Disability: 60 % of earnings during last year of work, or best paid three years of work</p>
Survivor Pensions	<p>* Eligible survivors include:</p> <ul style="list-style-type: none"> <li>- Widow of any age</li> <li>- Children under age 18</li> <li>- Children under age 21 if students, under age 25 if apprentices</li> <li>- Disabled children of any age</li> </ul>	<p>Maximum survivor pension is 90 percent of pension paid or accrued to insured.</p> <p>75 % of insured's pension is paid to a single widow, 50 percent if there</p>

	-Daughters without an income of any age  * Deceased was a pensioner.	are other survivors. That portion of the pension is divided equally if there are multiple widows.  A surviving child receives 30 percent of insured's pension. If there are multiple surviving children, 40 percent is divided equally among them.  If there is no surviving spouse, pension divided among other survivors. A full orphan is eligible for 45 percent of insured's pension.
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*Unemployment Insurance, 1994 Law:*

A new unemployment law was passed in 1994, encompassing only salaried workers in the economic sector who are laid-off.<sup>7</sup>

<b>Qualifying Conditions</b>	<b>Employer Contribution</b>	<b>Unemployment Benefit</b>
Algerian resident.  Must have contributed to social security for three years.  Must receive no income from any professional activities.  Must look for work for 3 months prior to application	Employer pays 80 percent of one month's salary for each year of unemployment (up to 12 months), provided employee has been previously employed for at least 3 years.	Benefit calculated by adding average monthly salary to the National Guaranteed Minimum Salary and dividing by two.

**Non-Contributive Social Assistance Strategies:**

*Consumer Price Subsidies:*

As part of Algeria's structural adjustments in the 1980s, extensive food subsidies were gradually withdrawn, and as of 1992, the government subsidized only flour for bread, semolina, and milk. In 1993, these subsidies accounted for 2.5 percent of GDP.<sup>8</sup>

*Indirect Aid:*

A variety of programs are designed to support poor people with no other form of economic support. These include:<sup>9</sup>

- Pension benefits for war veterans and their families (if they are not included in the social insurance schemes)
- Scholarships for children of low-income families
- Food programs in schools in poor areas, primarily in Southern Algeria

In 1994, two percent of GDP was being used to finance these programs.<sup>10</sup>

*Cash Transfers:*

A second form of social assistance comes in the form of a relatively new cash transfer system. The original cash transfer program was introduced in 1992 to compensate vulnerable groups for any shocks they might face as a result of Algeria's structural adjustment measures, but was modified in 1994/1995 when it became clear that the original transfers were untargeted and inefficient. Today, there are two safety net schemes in place:<sup>11</sup>

- *Allocation Forfaitaire de Solidarite* provides cash transfers to poor people who are unable to work (usually defined as the elderly or disabled).
- *Programme d'Activites d'Interet General* is a public works program that provides compensation to able-bodied and unemployed poor persons. Under this scheme, poor people work for municipalities for a full day at half the minimum wage.

In 1995, these schemes reached about 15 percent of the population (approximately 4.3 million people) and cost .8 percent of GDP.<sup>12</sup>

### **Administrative Agencies:**

The Algerian contributive Social Security system is managed by four public funds: CNAS, CNR, CASNOS and CNAC. "The Caisse Nationale des Assurances Sociales (CNAS) insures salaried workers in the agricultural and non-agricultural private and public sectors, as well as students and civil servants. CNAS provides health coverage, medical leave benefits, and disability benefits for work-related injuries. The Caisse Nationale des Retraites (CNR) is responsible for paying pension benefits to those covered by CNAS. CNR does not collect contributions but receives a share (fixed by decree) of CNAS contributions. The CASNOS is the analogue of the CNAS and CNR combined for non-salaried workers (i.e., independent). The Caisse Nationale d'Assurance Chomage (CNAC) was introduced in 1994 and provides the unemployment insurance benefit to the affiliates."<sup>13</sup>

## **Egypt:**

### **Contributive Social Insurance Programs:**

The contributive component of Egypt's social security scheme is a Social Insurance program that covers old age, disability, death, work injury, and unemployment. There are various plans within the overall program that deal with formal sector employees, the self-employed, and the working poor respectively. The table below, adapted from a 1998 World Bank document on Egypt's Social Security System, outlines the various plans and their affiliates,<sup>14</sup>

<b>Type</b>	<b>Beneficiaries</b>	<b>Coverage</b>	<b>Law</b>
Worker's Insurance Scheme	- Government and private sector workers  - Most private sector workers	56.7 percent of insurance beneficiaries covered by this plan in 1992-1993.	Law 79, 1975
Self-Employed People	Self-employed: - Professionals - Farmers owning more than 10 Feddans - Writers, artists	9.3 percent of insurance beneficiaries were covered by this scheme in 1992/1993.	Law 108, 1976
Universal Social Security Scheme for the Working Poor	-Temporary workers - Small farmers/ agricultural workers -Maids -Fishermen	33.6 percent of all insurance beneficiaries covered by this plan	Law 112, 1980

### *Old Age, Disability, Death Insurance, Law 79, 1975:*

The Worker's Insurance Scheme is the largest in Egypt today. To join this scheme, employees must pay 13 percent of their basic wage, and their employers 17 percent of the basic wage.<sup>15</sup> The

government contributes 1 percent of the payroll and any deficit. The following table describes the eligibility conditions and benefits associated with this scheme for the formally employed.<sup>16</sup>

<b>Benefits</b>	<b>Qualifying Conditions</b>	<b>Type of Insurance</b>
<p>* 1/45 of average monthly earnings during last 2 years, times number of years of contribution (up to 36 years), or, a lump sum of 15 percent of average annual wage for each year of contribution over 36.</p> <p>*Minimum pension is 55 pounds a month. Maximum pension is 80% of average earnings or 590 pounds a month, whichever is less.</p> <p>*Lump-sum compensation (if not qualified for full pension) is 15% of average annual wage during last 2 years times years of contribution.</p>	<p>* Age 60</p> <p>* Retirement from insured employment</p>	<p>Old-Age Pension</p>
<p>* 1/45 of average monthly earnings during the last year for each year of contribution plus 3 extra years, or 50% of average monthly earnings, whichever is greater. To the resulting amount is added half the difference between it and 80% of average monthly earnings.</p> <p>*Constant-attendance allowance: 20% of pension.</p> <p>*Partial disability: Lump sum of 4 years' pension proportionate to degree of disability, if less than 30% disabled.</p>	<p>* Total and permanent incapacity for any gainful employment.</p> <p>* Contributions during 3 consecutive months, or for total of 6 months.</p>	<p>Disability Pension</p>
<p>* 1/45 of average monthly earnings during the last year for each year of contribution plus 3 extra years, or 50% of average monthly earnings, whichever is greater. To the resulting amount is added half the difference between it and 80% of average monthly earnings.</p> <p>* Pension divided among following survivors according to schedule in law:</p> <ul style="list-style-type: none"> <li>-Dependent widow or widower, disabled widower</li> <li>- Divorcee without other source of income and married at least 20 years</li> <li>- Dependent sons and brothers under age 21 (26 if student, no limit if disabled)</li> <li>- Unmarried daughters and sisters</li> <li>- Dependent parents.</li> </ul>	<p>* Deceased met contribution conditions for disability pension or was pensioner at death.</p> <p>* Lump sum compensation given (if not qualified for full pension) if the person in question is 60 years old; leaving the country; totally disabled; or a widow over 51.</p>	<p>Survivor Pension</p>

*Universal Social Security Scheme for the Working Poor, Law 112, 1980:*

Under the terms of the 1980 Universal Social Security Scheme for the working poor, affiliates must pay one pound a month to join. They then receive 25 pounds a month upon retirement.

The Sadat Pension also falls under the mandate of Law 112. The Sadat pension is an aid mechanism that addresses the immediate needs of the working poor until they can collect their pensions. The primary target group is widows, orphans, divorcees, the disabled, and the elderly. This allowance was still being paid to 816,968 people in 1996, but the total number of beneficiaries has been reduced by a third since the late 1980s.<sup>17</sup>

*Unemployment Insurance:*

The unemployment insurance scheme's coverage is limited. It protects only people previously working in the formal sector and excludes new entrants, casual agricultural workers, construction workers, domestic servants, family labor, public employees, and employees over the age of 60. Scholars have called this scheme "irrelevant to the majority of the unemployed."<sup>18</sup> The following table describes the details of eligibility conditions and benefits associated with this scheme.<sup>19</sup>

<b>Qualifying Conditions</b>	<b>Employer Contribution</b>	<b>Unemployment Benefit</b>
* Six months of contributions, including 3 consecutive months. * Able and willing to work, registration and regular reporting at manpower office. * Unemployment not due to voluntary leaving, discharge for misconduct, refusal of suitable job offer, or refusal of training.	Employer contributes two percent and the government makes up any deficit.	60% of last monthly wage. Payable after 7-day waiting period for up to 16 weeks (may be extended to 28 weeks if contributions paid throughout last 24 months).

**Non-Contributive Social Security, Act 30, 1977:**

A variety of non-contributive schemes designed to aid the poor are also part of Egypt's social security system. Known as the Daman Ijtimaii program, the scheme is designed to protect destitute families. There are three forms of assistance:

*Social Aid Pensions:*

Pensions are given to the following groups if they have a limited income: widows, orphans, divorcees and their children, the totally disabled, elderly persons, never-married women, and the families of convicts sentenced to more than ten years in jail.<sup>20</sup>

*Temporary or Irregular Social Assistance:*

There are three types of aid programs that fall under the temporary or irregular social assistance scheme. The first is monthly assistance to pregnant women and infants, sick people, the partially disabled, and families of convicts who have been sentenced to fewer than 10 years in jail. The second is a one-time, lump sum contribution to poor families to deal with emergencies, educational expenses, natal care, and funeral expenses. The third program distributes relief assistance for natural disasters or accidents.<sup>21</sup>

### *Social Aid to Government Employees:*

Benefits are given to families whose head used to be a government employee making less than 100 pounds a month. This allowance is given to help families deal with sickness, education, or marital expenses.<sup>22</sup>

### **Administrative Agencies:**

The contributive social insurance scheme is under the general supervision of the Ministry of Social Insurance. The National Organization for Social Insurance for Private and Public Sector Fund administers the overall program through regional and district offices, and the Social Insurance Government Sector Fund deals specifically with government employees.

The non-contributive social aid programs are run through the Ministry of Social Affairs. MOSA both provides transfers directly through regional offices, and distributes resources via a network of NGOs under its jurisdiction.<sup>23</sup>

## **Jordan:**

### **Contributive Social Security Laws, Law 30, 1978:**

The Jordan Social Security Law of 1978 covers workers in private establishments with more than five employees, government and public sector employees not covered under civil or military pension laws, employees of universities, municipalities and village councils, and Jordanians working at diplomatic missions and international organizations.<sup>24</sup> It does not cover wage workers, agricultural workers, seamen, fishermen, domestic servants, the self-employed or family labor. The Council of Ministers is currently trying to determine coverage for these persons.

Affiliates pay five percent of their wages to join the scheme, employers pay 10 percent of the payroll, and the government makes up any deficit. The table below outlines the legal details of the old-age, disability and survivor pensions:<sup>25</sup>

<b>Benefits</b>	<b>Qualifying Conditions</b>	<b>Type of Insurance</b>
<p>* 2% of average monthly wages in last 2 years, times years of contribution.</p> <p>Maximum: 75% of average monthly wage in last 2 years. Pension increased 10% for 1st dependent and 5% each for 2nd and 3rd.</p> <p>* Early retirement pension: 10% reduction if age 46-50, and 5% if age 51-54.</p> <p>* If insured reaches retirement age, becomes disabled or dies without entitlement to a pension, receives a lump sum equal to 15% of average annual wage in the last two years for each year of contribution, or average monthly wage multiplied by 12 if period of year of</p>	<p>*Men: age 60 with 120 months coverage (36 continuous months within last five years) or 15 years coverage. Early retirement at age 46 with pension reduction if a person has 15 years of coverage.</p> <p>*Women: age 55 with 120 months coverage (36 continuous months within last five years) or 15 years coverage. Early retirement at age 46 with pension reduction if a person has 15 years of coverage.</p>	Old-Age Pension

<p>contribution, or average monthly wage multiplied by 12 if period of contribution is less than two years.</p> <p>* If insured ceases work prior to retirement age without entitlement to a pension, receives a lump sum equal to 10% of average annual wage if less than 60 months' contributions; 12% if 60-119 months; and 15% if 120 months or more.</p>		
<p>50% of average monthly wage in last year of contribution.</p> <p>* Constant-attendance allowance: Pension increased by 25%.</p>	<p>* Total or partial incapacity for work, and 12 months' continuous coverage or 24 months' total coverage.</p>	Disability Pension
<p>* 50% of average monthly wage in last year of contribution or, if deceased was pensioner, 100% of insured's pension.</p> <p>* Payable to widow, son under 18 (no age limit if disabled), unmarried, divorced or widowed dependent daughters, dependent parents, brothers, sisters, and disabled dependent widower.</p> <p>* Pension reduced in direct proportion to survivor's income. Widow's, daughter's, or sister's pension ceases upon marriage.</p>	<p>* Deceased had 12 months of continuous coverage or 20 months total coverage.</p>	Survivor Pension

### **Non-Contributive Social Security:**

Jordanian non-contributive social security programs have expanded rapidly in recent years to make up for the elimination of food subsidies, and other liberalization measures taken by the Jordanian government. As of 1999, about 3.6 percent of the population benefits from targeted assistance schemes, and Jordan's spending on cash and in-kind transfers to the poor absorb 1.5 percent of GDP.<sup>26</sup>

Non-contributive social aid is given to households that cannot support themselves. According to a World Bank report on poverty alleviation in Jordan, these are defined as households that do not have a regular source of income that exceeds expected benefits, and that also have:

1. A female head who is widowed or divorced, provided that adult employable males are not part of the household;
2. Partially or totally disabled members, provided their total income is less than a certain threshold;
3. An imprisoned head;
4. Heads older than 60 years.<sup>27</sup>

The National Aid Foundation (NAF) provides eligible households with recurrent cash transfers, wage subsidies, micro-credit loans, and care for the handicapped. NAF beneficiaries also receive the cash equivalent of the food subsidy, which was discontinued for the rest of the population.

The amount of monthly assistance provided to eligible households begins at JD 30 and increases with household size to a ceiling of JD 82 per month. In addition, emergency cash assistance can be provided in the case of death of household head or natural disasters leading to income losses. Supplemental in-kind assistance is provided to disabled members of needy households as well.<sup>28</sup>

Coverage of Targeted Social Aid programs:<sup>29</sup>

	1987	1992	1997	1999
<b>Number of Households</b>	8,000	22,000	33,000	45,000
<b>NAF Budget (millions of JD)</b>	NA	NA	13.1	16.5

### **Administration and Funds:**

The Social Security Corporation administers the contributive social security program.

The National Aid Fund established in 1986 is the primary government agency providing cash assistance to chronically poor households. The following table outlines Jordan's spending on contributive social security from 1994 to 1996.<sup>30</sup>

	1 January – 31 December 1996	1 January - 31 December 1995	1 January-31 December 1994
<b>% GDP</b>	<b>0.62%</b>	<b>0.53%</b>	<b>0.52%</b>

### **Kuwait:**

#### **Contributive Social Security, Law 61, 1976 & Law 128, 1992:**

All Kuwaiti employees in the formal sector are covered under the worker's Social Security scheme of 1976. There are supplemental schemes for self-employed people, military personnel and individuals with a very high income (over KD. 1250 a month).

Unlike other countries, this scheme is quite comprehensive in its coverage of Kuwaiti citizens because over 90 percent of all nationals work for the government in some capacity. However, at the same time, it must be noted that 60 percent of the total population in Kuwait is non-Kuwaiti and not covered under Social Security schemes of any kind.

#### *Old Age, Disability, Death Insurance:*

All employees are eligible for old age, disability, and death insurance. The insured person pays 5 percent of covered earnings to join the scheme, the employer 10 percent of the payroll, and the government provides subsidies amounting to 10 percent of the payroll. Self-employed people pay 15 percent of their earnings.<sup>31</sup> People in a high income bracket join the ordinary Social Security Scheme and are insured up to a certain amount, and then must make private arrangements with their employers to cover the rest (known as the "takmili," or attachment, program). The table below outlines details of various insurance schemes.<sup>32</sup>

<b>Benefits</b>	<b>Qualifying Conditions</b>	<b>Type of Insurance</b>
* 65% of last monthly earnings plus 2% for each year of contribution beyond 15 years.  * Maximum benefit: 95% of last monthly earnings.	* Men: Age 55 and 15 years of contributions, 20 years of contributions if between 45 and 49.  * Women with children: Age 45 and 15 years of contributions	Old-Age Pension

* Part of pension may be paid as a lump sum at pensioner's request before age 65. Cash benefit paid to persons with less than 15 years' coverage.	*Unmarried or childless women: Age 55 and 20 years of contributions.	
* 65% of last monthly earnings plus 2% for each year of contribution beyond 15 years. * Maximum benefit: 95% of earnings.	*Total incapacity for work	Disability Pension
* From 33-1/3% to 100% of deceased's earnings according to number of widows, children, parents, brothers, sisters, and sons' children. Also payable to dependent widowers.  * Children must be under age 26 (28 if student, no limit for unmarried females and disabled males).	* Deceased must be a pensioner or eligible for insurance	Survivor Pension

#### *Unemployment Insurance:*

All Kuwaitis are guaranteed employment by the government. Recently, however, the civil service has been having difficulty absorbing new entrants to the labor force, and thus the government has instituted a policy of paying all unemployed people a monthly allowance equivalent to the minimum wage.

#### *Sickness and Maternity Leave:*

Free medical benefits available for all citizens

#### **Non-Contributive Social Security, Law 22, 1978:**

Kuwait has one of the most comprehensive and generous systems of public subsidies in the world. The Kuwaiti government subsidizes electricity, water, telephone use, food stuffs, gasoline, medical care, and housing for its citizens, while charging no taxes. In addition, all families (defined as a married couple with children) are eligible for social allowances to supplement their income. Families receive a marital allowance for household expenditures, a child allowance per head, and a sum of money for rent. Interest free loans are also given to help Kuwaitis build permanent homes for themselves.

Although the non-contributive social security system is aimed primarily at families, vulnerable groups receive special subsidies. Widows and divorcees with children receive allowances, as do Kuwaiti women married to non-Kuwaiti men if the men cannot work for health reasons.

#### **Administrative Agencies:**

The social security program is under the general supervision of the Ministry of Finance, but the Public Institution for Social Security is responsible for the administration of the program.

**National Social Protection Expenditure (percentage of GDP):<sup>33</sup>**

1 July 1995 – 30 June 1996	1 July 1994 – 30 June 1995	1 July 1993 – 30 June 1994
5.09 %	5.60 %	5.67%

**Lebanon:****Contributive Social Security, Decree 13955, 1963:**

The civil war that ravaged Lebanon from 1975 to 1990 greatly affected the ability of the government to provide social security services to its citizens. Today, benefits continue to be relatively weak, and applicable only to a portion of the population.<sup>34</sup>

In principle, all Lebanese people working in any professional, commercial, or industrial activities are covered by social security. In reality, due to the high payroll contributions required of employers and weak collection mechanisms, many people who should be registered for benefits are not. Moreover, agricultural workers and informal workers are not covered under the scheme.

Key benefits associated with the Lebanese social security system are detailed in the following table:<sup>35</sup>

Benefits	Qualifying Conditions	Type of Insurance
* The last monthly salary received by an employee times the number of years in service.	* Age 64 with a total of 20 years of employment.  * A disability that prevents him/her from working.  * A female employee who quits her job within a year of marriage	End of Service Indemnity  (A system of old-age pensions has not come into effect yet)
* 20 percent of minimum wage goes to wife if she is not gainfully employed, 11 percent of minimum wage goes to each dependent child and unmarried daughter.	* Granted to families in case of employee sickness, maternity leave, work-related accidents, and disability	Family Allowances

There is a maternity and sickness insurance program, but no unemployment insurance. The National Social Security Fund administers the program overall. Contributions vary for different schemes, but private sector employers end up paying approximately 38.5 percent of the wage bill to social security.<sup>36</sup>

# Women's Exclusion from Entitlements

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This study investigates women's social rights and in particular the rights of FHHs. Social rights include social provisions offered to workers during unemployment and old age pensions to strengthen their leverage with capital owners. They also include health insurance and equal access to other social services of this (< biblio >). However, unless women are equal citizens, they will continue to be unequal in their access to all their rights, including social rights. To be a full citizen one had to have full and socially approved social, economic and political rights. One must also have full control over ones own body and sexuality and over fertility and reproduction. In this paper we will show that women in the selected Arab world do not have equal social rights and we will focus on the social aid (non-contributory) programs and the social insurance (contributory) programs.

A perfunctory review of women's social security entitlements in Arab countries yields a fairly positive impression. Laws seemingly protect women and count their contribution to labor. For example, in Algeria, Jordan, Kuwait, and Lebanon, social security laws stipulate that childcare can contribute to early retirement, and in all five case-studies, unmarried daughters continue to benefit from their father's pensions long after other children are cut off. Furthermore, social aid programs make special provisions for widows and divorcees because it is well known that these groups are vulnerable in predominantly patriarchal societies. However, a more comprehensive examination of women's entitlements reveals an unmistakable pattern: women are excluded from the benefits in place to protect them. Laws themselves are discriminatory in subtle ways, and the implementation of the laws is also discriminatory.

Part of the problem stems from the fact that policy makers often ignore socio-economic realities facing women, and part of the problem is that social security laws are governed by gendered theories about men and women's relative role in society and the economy. The fact is that social security laws are based on a series of critical assumptions about the labor force and suitable means of addressing risk. Contributive social security schemes implicitly answer questions like, "what counts as labor?" and "who are the laborers?," while non-contributive schemes address the issues of "who needs special protection?" and "what are the best mechanisms for distributing aid?," in their benefit structures. Feminist scholars have long argued that in all countries the answers to these questions tend to be sexist, "infused with masculine and patriarchal norms,"<sup>37</sup> and the Arab world is no exception.

## **Why do Social Security Laws Discriminate?**

### ***A. Women as heads of households are invisible***

Gendered assumptions about family structures also have an enormous influence on legal inequalities in contributive social security matters. For example, across the Arab world women are understood to bear the sole responsibility for childcare, and as a result, only women are eligible for parental leave. Another example of a gender bias that informs the law is the perception that men are the primary income earners and the heads of their households. In the words of the head of public relations at the Egyptian Ministry of Social Affairs,

"We give pensions to the family of the maintainer and keeper when he dies and that is usually the man, for the man is the keeper and head of the family."<sup>2</sup>

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<sup>2</sup> In Bibars 2001

Contributive social security schemes are geared to insuring men more comprehensively than women, because men are seen as being in the best position to distribute resources to a given family.

In non-contributive social security schemes, these gendered assumptions about men and women's relative economic role are especially pronounced. As a result, the state openly targets men for its limited social protection resources. For example, in most Arab countries, a woman who is technically married is not allowed to apply for government assistance (even if she has long been deserted by her husband). The state assumes that all married women have an earning male to look after their welfare and the welfare of their children. Neither the reality that not all men take economic responsibility for their households, nor the fact that couples are increasingly economic partners in marriage are taken into account. In Algeria's social aid scheme, there are no special provisions for women at all. In most Arab countries, widows and divorcees are allowed special assistance to compensate for the absence of an earning male in their life, but in Algeria, the notion of female headship is not even acknowledged in the aid scheme.<sup>38</sup>

***b. Women as laborers are invisible***

Throughout the Arab world, the bulk of contributive social security legislation was passed more than two decades ago (1983 in Algeria, 1975 in Egypt, 1976 in Kuwait, 1978 in Jordan, and 1969 in Lebanon). At the time, working women were an "aberration" in many places and social security laws were not written with female labor in mind.<sup>39</sup> Today, although it is obvious that the composition of the labor force has changed dramatically, social security laws have not adapted partly because women's contribution to labor continues to be unclear.

	Algeria		Egypt		Kuwait		Jordan		Lebanon	
	1980	1999	1980	1999	1980	1999	1980	1999	1980	1999
<b>Labor Force (millions)</b>	5	10	12	24	0	1	1	1	1	1
<b>% Women</b>	21	27	27	30	13	31	15	24	23	29

Officially, the percentage of women in the labor force has increased by 22 percent in Algeria, 10 percent in Egypt, 58 percent in Kuwait, 38 percent in Jordan, and 21 percent in Lebanon during the period from 1980 to 1999,<sup>40</sup> but the reality is that no one is sure of exactly how many women are currently working. Government statistics routinely underreport the actual number of female laborers. For example, a 1989 employment survey in Algeria listed only 143 women as participating in rural work.<sup>41</sup>

The problem is two-fold: government definitions of employment often exclude the informal sector, in which a significant amount of female labor is concentrated, and many households do not report working females to census workers because to do so would be seen as an admission that the men cannot provide for the household.<sup>42</sup> However, the result is the same. A significant amount of female labor continues to be invisible, and therefore not given due weight in current legislation.

**Women's Official Participation in the Labor Force (%s refer to male and female labor force respectively):**  
 Source: Gender Stats, World Bank Website

	Algeria		Egypt		Kuwait		Jordan		Lebanon	
	1980	1990	1980	1990	1980	1990	1980	1990	1980	1990
<b>% Men in Agriculture</b>	27	18	45	35	2	1	*	*	13	6
<b>% Women in Agriculture</b>	69	57	10	52	0	1	*	*	20	10
<b>% Men in Industry</b>	33	38	21	24	36	32	24	27	29	34
<b>% Women in Industry</b>	6	7	13	10	3	2	7	8	21	22
<b>% Men in Services</b>	40	45	33	41	62	67	76	73	58	60
<b>% Women in Services</b>	25	36	69	38	97	98	93	92	59	68
<b>% Male Unemployment</b>	*	*	3.9	5.2	*	*	*	*	*	*
<b>% Female</b>										

**c. Stereotyping women's roles?**

Societal understandings of women's "nature" and "duties" also play a large part in creating gendered social protection schemes. Women are seen as mothers and caretakers, and when they are offered assistance, they are offered help primarily in the domestic sphere. Destitute women are much more likely to be given minimal allowances to take care of their families than offered employment, skills training, or even day care facilities for children. States interpret their needs as maternal rather than economic.<sup>43</sup> In addition, women's actual receipt of assistance often depends on their confirmation to norms of appropriate behavior for women. The most extreme example of this is spinsters having to prove their virginity in order to collect a state allowance in Egypt.<sup>44</sup> However, there are many similar instances of women being forced to conform to societal expectations in order to qualify for economic benefits.

**d. Male gendered societies and institutions:**

Perhaps the most important factor contributing to gendered laws in both contributive and non-contributive social security schemes, however, is the fact that social security programs are drawn-up, amended, and implemented by men. Men dominate the ranks of policy-making circles and in every country under study, and in Kuwait, women cannot even vote. Feminist research argues that it is precisely whether women's *own* definition of their needs and interests are taken into consideration that will determine whether state policies are women-friendly or not.<sup>45</sup> In countries in which women's perspective on labor and social security is missing from the law, it is no surprise that key women's issues are unaddressed. It is also no surprise that as women's perspective continues to be excluded; their issues continue to be overlooked.

### **Discrimination in Contributive Social Security Schemes:**

In Arab countries, it is preferable to be associated with a contributive social security scheme rather than with a state aid program. First, contributive social security programs tend to be more comprehensive in their benefits. For example, in most countries only people who have contributed to a social security program for a certain number of years are eligible for unemployment benefits. And second, contributive social security schemes tend to be easier to navigate. Participants are treated as customers who have paid for the service, and the bureaucratic procedures involved are simpler and less demeaning than in non-contributive schemes.<sup>46</sup> Women tend to be left out of contributive social security schemes, however. The laws themselves exclude women, and there are also structural obstacles barring their entry.

### **Structural Problems:**

There are socio-economic constraints to women's participation in contributive social security schemes. First of all, **many women who work in the formal sector are not insured even though they meet narrow eligibility requirements.** Due to the high payroll contributions required of employers (17 percent of the basic wage in Egypt, 8 percent in Jordan, and 8 percent in Algeria), many choose not to insure employees in general. Women, in particular, are an easy target because their lower levels of education and remuneration make them replaceable if they quit, and because they have less social power to redress grievances.

**Poor women who seek insurance are especially discriminated against.** The following exchange witnessed by an Egyptian scholar reveals the systemic difficulties women face when trying to obtain their rights under the law:

[Ministry of Social Affairs] employee I: Why do you want to be insured? You will only get LE60 a month, while you are making more money now.

Sayyeda: I have three children and my husband died five years ago. They will need every penny for school and I am not getting any younger.

MOSA employee I: Why send them to school? Maids like you clean houses and make a lot of money without having to endure school and all that headache.

MOSA employee 2 (addressing her colleague): In addition to what they make on the side out of stealing. I had a maid who stole the gold earrings belonging to my child. They never appreciate how good we are to them and end up always betraying us.

Sayyeda: I am not a thief and all I want is to apply for the social insurance.

MOSA employee I: Don't you dare raise your voice. Never forget who you are. Anyway, we have no application forms today, so come another time.<sup>47</sup>

Perhaps an even more significant problem, however, is that **contributive social security laws usually only cover salaried workers, of which women are only a fraction.** In Jordan and Lebanon, wage workers, agricultural laborers, fisherman, domestic servants, and the self-employed are explicitly excluded from the contributive social security scheme. In Egypt and Kuwait, supplemental programs for the self-employed or the working poor do exist, but are limited in practice. For example, almost 60 percent of all Egyptian social security affiliates work in the formal sector. In Algeria, while all people are eligible for coverage, only 60 percent of the active workforce is actually insured, and the overwhelming majority works in the formal sector.<sup>48</sup>

**Women usually work in the informal sector not covered by social security legislation.** With the exception of Kuwait, in which the state guarantees government employment to all Kuwaiti citizens, research proved that most women in the Arab world are the petty vendors and agricultural laborers

excluded from mainstream insurance schemes. Unfortunately, because employment surveys underreport informal female labor, we are not sure exactly how many women are left out overall. Rough estimates are dramatic, however. For example, we know that in a country like Algeria, 85 percent of agricultural employees and almost 80 percent of independent workers are not affiliated with the social security system at all.<sup>49</sup> We also know that officially, 57 percent of all women workers in Algeria are employed in agricultural pursuits.<sup>50</sup> If we factor in the fact that government statistics are probably underestimating the actual number of female agricultural laborers, we can conclude that most Algerian women have no protection under contributive social security legislation. Similar calculations can be made for each case study.

It must also be noted that while women's labor has always been concentrated in informal pursuits, the structural adjustments of the 1980s and 1990s have reinforced this phenomenon. Women were the first to be dismissed when enterprises and the public service were reorganized, and at the same time, a majority of women who worked in the formal sector worked for the government. As women were pushed out of salaried work, more and more women were forced to take up informal activities.<sup>51</sup> Finally, rural-urban migration in the past two decades and the increasing transfer of the male workforce to the services and industrial sectors has meant that women are increasingly taking on the agricultural work abandoned by men.<sup>52</sup>

It is no coincidence that social security benefits in the Arab world are skewed in favor of men. In Egypt, for example, the ratio of female to male beneficiaries in contributive social security schemes is 1 to 12.5<sup>53</sup> The single exception to this figure is the Sadat Pension for the working poor, which incorporates approximately twice as many women as men, but this scheme is being phased out. Affiliates of this pension scheme declined by 34.8 percent between 1987 and 1995 as affiliates who pass away are not replaced by new ones.<sup>54</sup>

### **Gendered Laws:**

In addition, to socio-economic constraints to women's participation in the contributive social security programs/schemes, there are many examples of gendered laws in contributive social security schemes, and most are based on the notion of the male breadwinner. In cases in which social security resources are to be redistributed to a family, the state chooses a man to represent the family.

For example, **family allowances are given directly to men.** In Algeria and Kuwait, the state supplements family incomes with special allowances for insured affiliates (i.e. subsidies for children's education), but the sums are automatically tacked onto the man's salary because he is presumed to be financing all family expenses. Of course, this notion of the "ideal marriage" does not take into account women with unsupportive husbands (drug addicts, men who have deserted their wives, men married to multiple women) or the reality that men and women are increasingly equal partners in marriages.

By the same token, **a working man's pension can continue to be drawn by his family after his death, but a woman's cannot.** In all countries under study, a woman who has contributed to social security her whole life cannot pass on her benefits to dependent children or dependent parents. The assumption is that women do not contribute to their household's income during their lives, and that all women have a husband, brother or other male figure who will take the responsibility for caring for her family after her death.

This suggests that women's contribution to labor is not valued equally with men's; it doesn't "count" for as much financially. Moreover, women whose families are dependent on their income lose a vital source of funds. Quoted in Bibar's book, the following testimony of an Egyptian man reveals how damaging the pension bias is to households:

"My wife and I were married for 24 years and we have been law-abiding citizens. We had four children and both of us worked hard to educate them. We were real partners in his marriage. She worked and her salary contributed to the family income and now that she has died, I have no right to her pension. Well, this is affecting our budget and style of living and I think this is unfair."<sup>55</sup>

In Algeria, Egypt, Jordan, Kuwait, and Lebanon, **daughters can collect their father's pensions only until marriage**. Their pension benefits are terminated at the point that their marriage is legally registered. The assumption once again is that a married woman automatically has a man who will assume responsibility for her welfare. Of course, the supposition that a marriage means the presence of an earning male is often fallacious. Not only are some men unwilling or unable to provide for their wives, but also, the notion of "marriage" is more complicated than it would seem. Women throughout the Middle East usually get married in two stages: they register the marriage officially, and then the marriage is consummated. And the first phase can take a significant amount of time because young couples must find and furnish a home before they can move in together. Therefore, many women are cut off from their father's pensions due to the registration of their marriage, while still living with their families and paying their own expenses.<sup>56</sup>

Furthermore, because state benefits are so often associated with the presence of a male breadwinner, the pressure on women to get married and stay married is high. In Jordan, for example, **daughters cannot resume receiving their father's pension even in cases of divorce**. In Kuwait, women cannot own public housing unless they are married. All married Kuwaiti men with children are eligible for a public housing loan to build a home with. **If a Kuwaiti man dies before the loan is repaid, his daughter cannot repay the loan and own the home outright**. She may live in it until her marriage, and then it reverts to the state. A son, however, can repay the loan and own the property.

The state's perspective is that the government has a responsibility to provide everyone with a place to live, not to ensure that all people own property.<sup>57</sup> Thus, the state allows only men to repay the loan because the expectation is that daughters will get married and be provided for by their spouses. The result is that women only have a chance to own property through marriage and a husband. An unmarried woman has no legal assets.

Similarly, in Egypt, **divorcees who initiate divorce proceedings cannot collect their husbands' pensions**. According to law 79 of 1975, a divorcee is eligible to collect her deceased ex-husband's pension only if the divorce was requested by her husband, and was against her will.<sup>58</sup> The idea is that at the point that a woman divorces a man, she has forfeited her right to his earnings – regardless of how long she was married to him or what her economic needs may be. According to Bibars, this system punishes women for "initiating divorce procedures and for demanding a way out of an abusive relationship. The law reinforces the submission of women by encouraging them to endure abuse in order to ensure a source of income."<sup>59</sup>

Finally, social security laws are based on traditional family structures. In Algeria, Jordan, Kuwait, and Lebanon, **only women get "breaks" for childcare**. Women can retire early if they have raised children, and women can take leave to raise children or care for sick family members. While it can be argued that these laws conform to the reality that most women in the Arab world do bear primary responsibility for household labor, the fact is that incorporating this worldview into the law itself prohibits change. Even if men want to stay home and take care of the children, they cannot afford

do so under current legislation. Moreover, such laws reinforce women's "double burden" of labor at home and at work. They also "contribute to labor market discrimination by reinforcing the perception that women are more costly workers."<sup>60</sup>

### **Discrimination in Non-Contributive Social Security Schemes:**

Non-contributive social security schemes are problematic overall in the Arab world. First of all, many programs are relatively new. Algeria, Egypt, and Jordan's aid programs were either implemented or modified in the 1980s and 1990s to compensate for economic liberalization measures that slashed the budgets of former aid schemes, and they are remain unorganized more than a decade later. In Algeria, for example, the World Bank found that the system is bureaucracy-intensive and inefficient: application procedures are cumbersome, funds that are supposed to be paid monthly are paid quarterly in practice, and definitions of poverty are often subjective.<sup>61</sup> In Jordan, the Institute of Public Administration conducted a survey on the service-delivery problems of the National Aid Foundation and found that 41 percent of interviewed beneficiaries encountered procedural difficulties, cancellation of benefits without verification, and inadequacy of assistance.<sup>62</sup> "Of the 13 percent who received in-kind benefits, 100 percent reported difficulties such as rejection and procedural complexity."<sup>63</sup>

Moreover, non-contributive programs tend to have small budgets and small target groups, and as a result, inadequate benefits and limited coverage. In Egypt, for example, social aid targets people living in absolute poverty with resources that would never enable them to cross the official poverty line.<sup>64</sup> A World Bank/Ministry of Social Affairs study estimated that the minimum acceptable expenditure rate was 50 to 70 pounds per person per month, while actual MOSA assistance ranges between 14 to 46 pounds per family per month.<sup>65</sup> The World Bank also found that Algeria provides cash transfers that are much lower than subsistence levels. In Jordan, about 3.6 percent of the population benefited from targeted assistance schemes in 1999, while 11.7 percent of the population lived below the poverty line.<sup>66</sup>

As difficult as the situation is for all non-contributive scheme affiliates, however, women are particularly penalized. On one hand, women are disproportionately affected by the above-mentioned tribulations because they tend to make up a significant percentage of total affiliates. And on the other hand, they also face discrimination on the basis of their sex. This discrimination is evident both in the design of programs and in their implementation.

### **Structural Problems:**

It must be noted that most of the discrimination women face in non-contributive social security schemes is de facto rather than de jure. Discrimination tends to result from a lack of sensitivity to women's socio-economic reality in the Arab world.

For example, the **cumbersome application procedures** associated with non-contributive schemes are particularly problematic for women because they are more likely to be illiterate. 44 percent of Algerian women are illiterate compared to 23 percent of men, 20 percent of Lebanese women are illiterate compared to 8 percent of Lebanese men, 17 percent of Jordanian women are illiterate compared to 6 percent of Jordanian men, and 57 percent of Egyptian women are illiterate compared to 34 percent of Egyptian men.<sup>67</sup> Illiterate people have increased difficulty navigating a complicated system and making their complaints heard.

Another example is that **eligibility criteria for non-contributive schemes often require women to have official documentation**, while countries do not encourage women to own such documentation in the same way that they do men. In Egypt, for example, women must have a state-issued identification card to apply for aid. However, while the state requires all men to have an ID by the age of 16, there are no such laws for women. As a result, women are often tagged onto their father's or husbands ID cards instead of issued one of their own. If women do decide to apply for ID cards later in life, the process of getting one is lengthy and intimidating. As a scholar notes,

The bureaucratic procedures and requirements to issue an ID for a forty-year old illiterate woman are complex and lengthy. To issue an ID, the applicant needs a birth certificate, access to two government employees who know the applicant in person and are willing to vouch for her and then stamp her application form, and to have the courage to finalize all that at the police station. A large number of the women living in squatter and slum areas were not born in Cairo and do not have a birth certificate and the process of issuing an alternative birth certificate is nearly impossible, especially if one does not have the time or money to go back to the village of origin and deal with the officials there. In addition the officials at the various bureaucracies are usually unsympathetic to these women and intimidating.<sup>68</sup>

Vulnerable women may thus be rejected from aid programs for reasons that are beyond their control.

**Mobility is also an issue.** Low-income women often face social constraints when leaving the neighborhood. Even going out to work can get them labeled "loose." As one Egyptian woman pointed out,

"People, relatives and other told me that my working hours are negatively affecting my children's reputation. I worked as a cook and I used to leave here at six in the morning and come back by seven or so in the evening."<sup>69</sup>

So when a country like Algeria (in which women's access to public space is severely restricted) initiated a public works project, it is not surprising that only 27 percent of the participants were female.<sup>70</sup> The Algerian system can be considered unequal because of its two main forms of social assistance; one is largely unavailable to women.

A final problem with the implementation of social assistance programs in the Arab world is that **subjective criteria often determine whether women receive aid**. Bureaucrats have the power to choose between applications, and the fact is that women's conformation with prevailing gender roles tends to play a role in that choice. The following justification, quoted in *Victims and Heroines*, of a Ministry official for turning away an "unworthy" female applicant illustrates this point.

Ministry official: "I totally refused to help her before and will insist on not helping her, so please do not interfere. This is a loose woman; she was married twice and was divorced both times. To apply now for assistance is uncalled for. She came before and I told her that she is a troublemaker and since she does not want to live like a respectable woman, the state will not help her."<sup>71</sup>

The reality that the woman in question, however, was forced into marriage twice by her family (once to a man who almost beat her to death and the second time to a man who divorced her at the behest of his first wife), was not important to him. "She was refused state assistance because she did not live up to the 'conservative' and acceptable stereotype of a wife."<sup>72</sup>

Again, it is no coincidence that in Egypt, only one out of eight poor females is reached by the non-contributive social aid program.<sup>73</sup> For at the end of the day, gender bias in the implementation of non-contributive social security schemes is a common and overlooked problem. The sad truth is that there is great leeway for discrimination when women's ability to redress grievances is limited by the very poverty, illiteracy, and powerlessness that forces them to ask for aid in the first place

### **Gendered Laws:**

In terms of non-contributive social security programs, the biggest problem facing women is the issue of access. Often, **eligibility criteria for women are humiliating and unfair**. For example, in Egypt, a woman who has never been married can receive social aid only if she submits a doctor's certification of her virginity.<sup>74</sup>

Moreover, heads of households are the targets of most aid programs, and **governments define female headship narrowly**. In Algeria, women are not acknowledged as potential heads of households at all. Women can only qualify for aid on the basis of disability or old age, not on the basis of their headship.<sup>75</sup> In Egypt, Jordan, and Kuwait, the government defines a female head of household as a widow or divorcee, ignoring a slew of other FHHs who might also be vulnerable. Women married to unemployed men, women married to drug addicts, deserted wives, and second wives cannot access help because they technically have an employable male in the household who "should" be providing for them. The following quote from a senior official at the Egyptian Ministry of Social Affairs makes this attitude very clear:

The woman who maintains her family is the woman who has no man in her life to take care of her. She has no one to help her with the family care and responsibility. No, the co-wife is not one of these women, she has a husband.<sup>76</sup>

Women who may desperately need assistance cannot get it, therefore. In the words of a woman quoted in *Victims and Heroines*:

I was burned and since then I cannot use my hands and cannot walk long distances. So I stopped going to the market to sell ghee and cheese. When I went to the MOSA office Mr. Mohammed told me that my husband receives the old-age pension and that I am his responsibility. My husband is a useless drunk. He takes the money and spends it on his own whims. That is why I used to work. But I am not good enough for the government law, I do not deserve their money.<sup>77</sup>

To put this problem in numerical terms, we can look at Egypt as an example. The Egyptian government acknowledged that 20 percent of households were being headed by a woman in the year 2000, but empirical observations of NGOs based on a broader definition suggest that the more accurate figure is actually closer to 40 percent.<sup>78</sup> This figure may be even higher in low-income areas, meaning that only half of those that should be eligible for aid actually have the right to apply for it in the first place.

### **Women's Social Security Rights in Review:**

At this point, we must ask what women's rights are in social security entitlements overall. Do women have personal rights, defined as the right of an individual to social benefits in his or her own name?<sup>79</sup> Do women have derived rights, defined as the right of an individual to receive a social benefit by reason of his or her dependence, real or presumed, on a person who is covered by social insurance?<sup>80</sup> Or do women have no rights at all?

There is no single, easy answer. We can estimate with accuracy that very few women have full personal rights. The number of women covered by both contributive and non contributive social security schemes is only a fraction of the total working female population, and even then, benefits are usually tied to the presence of a male in the household. We can assume that that many women have derived rights, because there are many women who probably do benefit from the law's assumption that they are dependent on men. But we also know that a significant population has no rights at all.

Poor, illiterate women who head their households are very often completely excluded from all forms of social protection. They are not covered by contributive schemes because they do not work

in the formal sector, and they are not adequately covered by non-contributive schemes either. Eligibility conditions do not apply to them, they cannot navigate the system, or they are denied help on subjective grounds.

### **Caveats and Qualifications:**

There are three important qualifications that must be made for this to be a nuanced paper. First, is the question of **citizenship**. In order to simplify the analysis, we reviewed the law with the assumption that all women residing in a country can potentially be social security affiliates. However, the truth is that social security benefits are almost always tied to being a citizen of the country. While in most Arab countries, the two are synonymous, in a country like Kuwait in which 60 percent of the population is not Kuwaiti, this distinction matters. A related caveat is that we did not discuss the situation of female citizens married to non-citizens.

Secondly, we must point out that the **individual circumstances** of a woman's life greatly affect her entitlements. Economic status, education, mobility, social standing, and the presence of people who can help her redress grievances, all affect the type of rights a woman is likely to have. Although to some extent this is true for all people, the fact is that individual circumstances are more likely to affect women's rights than men's rights - yet another example of inequalities in the system. While women who are well-connected or well-educated may be able to speak up against discrimination and obtain their rights; most men never have to fight that battle in the first place.

The final caveat is that there are **broader socio-economic issues at a national level** that will also affect women's entitlements. For example, the reason that Kuwaiti women have the most comprehensive social security coverage even though they are not allowed to vote is because the Kuwaiti state has a greater capacity to expend money on social protection overall. Petrodollars enable the social security scheme in general to be more advanced, and women benefit by extension. The reason that Kuwaiti women have more voice in social security matters is because in a country of only 600,000 Kuwaitis, individual complaints can be heard. States resources, country size, rural-urban ratios, political rights, and women's movements all play a part in determining the extent of women's rights.

## **Initiatives for Change**

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Although social security laws in the Arab world tend to discriminate against women, national governments are often constrained from changing the situation. First of all, the subject of women's "rights" is highly politicized and potentially damaging to ruling parties. In Kuwait, for example, when the Amir passed an internationally publicized decree granting women the right to vote in 1999, he had to face the embarrassment of having his authority publicly rejected when a conservative parliament overturned the decree in 2000.

It is precisely for this reason that there have been so many instances of governments backing away from controversial women's issues in order to pander to powerful political groups. In Egypt, for example, as Islamist elements have become more powerful, the state has "sacrificed the women's agenda and relegated women to a second-class category for the survival and preservation of the institution of the state itself."<sup>81</sup>

A further fundamental problem with government-initiated change in social security matters is that states often face an information gap. Because so much of the discrimination is *de facto* rather than *de jure*, governments do not have a complete understanding of the difficulties women face. The very bureaucracies that should be reporting the problem are in fact the agencies contributing to the problem. So in light of this, how can effective change occur?

The reality is that non-governmental organizations throughout the Arab world have played the most critical role in addressing inequalities in women's social security entitlements. NGOs, particularly if they work in the field, are able to compensate for the state information gap by researching the problems that women face in a relatively objective manner. They then have the advantage of being able to raise these issues without worrying about the political implications for their own authority.

Experience has shown that the starting point for empowering women in the social security arena is advocacy campaigns. Until discrimination against women is recognized as a problem in the first place, absolutely nothing can be done on a legal level. The identity card issue in Egypt is a good example. No one realized how many women were unable to apply for social security benefits because they had no ID cards until a local non-governmental organization brought it to national attention. Today, the government has prioritized this issue.

In other words, NGOs put women's entitlements on the public agenda and allow governments to act on them without being accused of being "interventionist" on behalf of women. The following case studies from Egypt and Jordan are examples of how important civil society is in the on-going battle for women's citizenship rights.

### **Case Study: The Association for the Development and Enhancement of Women (ADEW) and Identity Cards in Egypt**

The private voluntary organization, the Association for the Development and Enhancement of Women, was founded in 1987 with a mandate for addressing the needs of low-income female-headed households in Egypt. It began originally as a grassroots organizer, providing direct services

to poor women living in the slum area of Manshiet Nasser in the form of a credit program, health counseling, literacy training, and legal awareness seminars. Today, ADEW works in three different parts of Cairo and is involved in both the provision of services and advocacy work.

ADEW was one of the first groups in Egypt to identify poor women's problems with identity cards. Through the research of one of the founding members, and fieldwork in some of Cairo's poorest slums, the organization noticed that women were being excluded from benefits they desperately needed because they did not have official documentation issued by the state. A majority of ADEW clients had no birth certificates, marriage certificates or divorce papers. Fully 70 percent had no identification cards,<sup>82</sup> meaning that they could not legally work, inherit property, register assets, apply for social security, etc.

ADEW responded to the problem on both a local and national level. On a local level, it instituted a program to improve the legal status of marginalized women in the field. ADEW aids women in navigating the bureaucratic process of obtaining official papers, counsels women on individual legal questions that they may have, and holds classes to raise awareness about women's legal rights. It has also arranged for an employee of the Civil Registration Authority to teach a monthly seminar on how to obtain an ID card in particular.

ADEW lawyers help women with the day to day process of applying for legal papers. To date, the legal program has helped women obtain:

- 1480 ID cards
- 230 birth certificates
- 90 post-natal birth certificates
- 100 death certificates
- 79 marriage certificates
- 115 divorce papers
- 600 documents relating to pension cases

On a national level, ADEW has emerged as a leading advocate for women's rights. The organization's philosophy is that addressing individual problem of ID cards or withheld benefits is simply not enough. For as bad as they are, they are only the symptoms of a much more serious obstacle to development: systematic discrimination against women in all spheres of life. ADEW is convinced that real and lasting change will only stem from addressing this point, and that without advocacy in media and policy circles, the sad truth is that this subject will never even come up.

For this reason, in April 2001, ADEW brought the problems of women's lack of ID cards and citizenship rights to Egypt's attention in a conference entitled, "Women and the Law: Legal and Constitutional Rights." The Conference, conducted under the auspices of Egyptian First Lady, Suzanne Mubarak, was pioneering in several ways.

It was the first time that an Egyptian NGO brought a taboo subject to national attention in a public way. The issue of women's citizenship had long been ignored in Egypt, and conversations about it frowned upon. However, the size of the conference, the salience of the issues, the sponsorship of Egypt's First Lady, and the attendance of several high-ranking officials were critical in lending legitimacy to what many viewed as a risky proposition. It also helped that ADEW invited over 100 NGOs to work together to choose live case studies and organize the conference.

Perhaps one of the most significant aspects of the conference was that it gave voice to a population that has a history of being voiceless. Poor, illiterate women are usually ignored, and forced to rely

on others to tell their stories. ADEW, however, wanted to ensure that for once, women themselves had a chance to speak. The problem of ID cards was conveyed to conference attendees through the live testimonies of women from all over Egypt. The idea was to frame the discussion not in terms of women's "rights," a subject often dismissed by policy makers, but rather in terms of women's survival.

Success was tangible. The ADEW conference succeeded in sparking a lively debate among policy makers, the media, and average Egyptians on women's legal role in society. "You have to understand that before April 19, 2001, no one was even allowed to discuss these issues in the newspapers," says Iman Bibars, ADEW Chairperson. "The fact that it became an issue of nation concern is amazing. We were the first people ever to bring attention to it in that way."

Moreover, the conference catalyzed concrete policy change. Representatives from the Civil Registration office vowed to facilitate the process of obtaining identity cards for poor women, and promote organizational understanding of the problems women face when dealing with unsympathetic authority structures. The National Council for Women, the largest governmental women's organization in Egypt and one of the most powerful in terms of setting the policy agenda on women's rights, has taken up the issue of ID cards. It too models the ADEW legal assistance program, and has now joined the campaign to make IDs widely and easily accessible to low-income women. And finally, of the 275 non-governmental organizations that attended the conference, several have now incorporated a legal assistance program for ID cards into their regular activities.

ADEW has led the campaign in taking NGO work public, and making it personal. Activism in national headlines as well as in slum areas, boldness in lobbying as well as in project design, identifying cause instead of treating effect – these are the building blocks for sustainable progress.

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## **Case Study: Business and Professional Women Amman (BPWA) and Legal Amendments to the Jordanian Social Security Law**

Business and Professional Women Amman (BPWA), a non-governmental organization based in Jordan, was formed with a mandate to promote the "active participation of women in the social, business, and economic development of the country and to assure their rightful place in all decision making processes."<sup>83</sup> The organization has three main activities. It supports women's involvement in small businesses through counseling, financial support, and training. It provides a legal counseling service that teaches women about their rights and assists them in navigating the Jordanian legal system. And it has an advocacy wing that takes women's issues to the national level.

BPWA recently launched one of Jordan's most successful campaigns to change the Social Security Law of 1978. Its activism in the field of social security began in 1999 when it invited people to join a roundtable on the subject, and found that several articles in contributive social security laws were discriminatory. These included Article 52, that excludes the unborn fetus of a pregnant widower from benefiting from the survivor pension, Article 54, that states that widows, unmarried daughters or divorced women lose the survivor's pension if they remarry and then divorce, and Article 56 that forbids widowers to collect their wives' pension after their death.<sup>84</sup> On the basis of these original observations, BPWA initiated a formal advocacy campaign to change the law.

BPWA's first step was to research the effect of the law on women, and document the problem in a systematic manner. A survey was conducted to find out whether women were aware of their pension entitlements, and a report was published on the findings. According to BPWA, unawareness of entitlements is widespread among employed women, and 72 percent of women believe that the current social security law is unfair.<sup>85</sup>

The second phase of the campaign involved building coalitions with women's organizations, lobbying the government, and using the press intensively. A position paper on the law was published and disseminated, and seminars were conducted to raise awareness on the subject in conjunction with other Jordanian NGOs. Moreover, a roundtable meeting was held in which lawyers, government officials, journalists, NGOs, and representatives from the cabinet, Prime Minister's Office and parliament attended.<sup>86</sup> BPWA met with the Minister of Justice, the Minister of Labor, the Director of the Social Security Corporation, and the Chairmen of the Legal Committee of the Lower House of parliament.

In May 2001, partly because of the bold campaign of this group, the Lower House of parliament endorsed a new social security law that amended Article 52 and Article 54. Article 56 remained unchanged, however, and BPWA is committed to continuing its campaign until it is legally altered. It has created an on-line petition soliciting signatures to change the law, and is promoting the issue to government officials and the media.

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## **Lessons Learned from the NGO experience:**

There are differences in the goals and successes of ADEW and BPWA. ADEW's activism was aimed at women's non-contributive social security entitlements, BPWA's at contributive social security schemes. ADEW succeeded in addressing an indirect form of discrimination against women, and BPWA addressed inequalities in the law itself. Despite these distinctions, however, there are common lessons to be learned from their experiences.

1. All efforts must begin with an identification of a problem that was previously ignored.  
We must emphasize that in societies in which women's issues are not considered priorities, the problems women face are not understood adequately. There have been few nuanced studies on how social security systems affect women, and government evaluations of social security programs almost never contain special sections on women. Thus, observations made in the field by NGOs are crucial to initiating dialogue in the first place.
2. Comprehensive research on the subject is vital.  
In our email correspondence with gender experts in the Middle East, a common response was that "everyone knows" women face certain problems. However, tracking down documented figures was a real problem. Both ADEW and BPWA conducted targeted research into women's entitlements that gave them fuel for an actual advocacy campaign.
3. Providing direct services to women is important.  
Of course, advocacy campaigns are an essential step in addressing inequalities, but in the interim, organizations should try to help women with their everyday problems. Too often, NGOs only work on a theoretical plane and ignore practical realities. It must be noted that both ADEW and BPWA have legal units that counsel women on navigating complicated bureaucratic procedures and hire lawyers to negotiate with officials on women's behalf.
4. Advocacy campaigns should include a variety of stakeholders.  
Advocacy campaigns should be aimed at policy makers and the press. But they should also include other NGOs, and aim to build coalitions among like-minded organizations. Moreover, they should include the testimony and input of women themselves.

## **Conclusion:**

Women must have equal compensation for their labor, and the ability to access social aid in the same way as men. These issues are not merely a question of women's abstract "rights", these are issues of women's survival. It is absolutely vital that Arab governments and populations realize that denying women full social protection entitlements will result in widespread poverty and despair among an already vulnerable population. Perhaps even worse, it will spawn a new generation of men and women who have been irreversibly affected by the lifestyles their mothers were forced to lead. It is an old saying that 'empowering women empowers families,' but it continues to ring true. Just as it is impossible to point to only one factor that contributes to discrimination in social security schemes, it is impossible to restrict its devastating impact to only women. Women's rights are human rights.

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