



# Children's Right to Social Protection in the Middle East and North Africa Region—an Analysis of Legal Frameworks from a Child Rights Perspective

Charlotte Bilo and Anna Carolina Machado, International Policy Centre for Inclusive Growth (IPC-IG)

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**CHILDREN'S RIGHT TO SOCIAL  
PROTECTION IN THE MIDDLE EAST AND  
NORTH AFRICA REGION—AN ANALYSIS OF  
LEGAL FRAMEWORKS FROM A CHILD  
RIGHTS PERSPECTIVE**



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## ACRONYMS

AMG	<i>Assistance Médicale Gratuite</i> (Free Medical Assistance, Tunisia)
CCT	Conditional Cash Transfer
CRC	Convention on the Rights of the Child
CwD	Children with Disabilities
E-NPTP	Emergency National Poverty Targeting Programme (Lebanon)
ESCWA	(United Nations) Economic and Social Commission for West Asia
GCC	Gulf Cooperation Council
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDP	Internally Displaced Person
ILO	International Labour Organization
IPC-IG	International Policy Centre for Inclusive Growth
MENA	Middle East and North Africa
MENARO	(United Nations Children's Fund) Middle East and North Africa Regional Office
NHIF	National Health Insurance Fund
NSAF	National Social Aid Fund (Syria)
PDS	Public Distribution System (Iraq)
PNAFN	<i>Programme National d'Aide aux Familles Nécessiteuses</i> (National Programme of Assistance to Needy Families, Tunisia)
PNCTP	Palestinian National Cash Transfer Programme (State of Palestine)
PNSF	<i>Programme National de Solidarité Famille</i> (National Programme of Family Solidarity, Djibouti)
PPAS	PNAFN's <i>Programme d'Allocations Scolaires</i> (PNAFN's education benefit programme, Tunisia)
PwD	People with disabilities
RAMED	<i>Régime d'Assistance Médicale aux Economiquement Démunis</i> (Regime for Medical Assistance to the Most Deprived, Morocco)
SDG	Sustainable Development Goal
SOP	State of Palestine
SWF	Social Welfare Fund (Yemen)
UAE	United Arab Emirates
UCT	Unconditional Cash Transfer
UDHR	Universal Declaration of Human Rights
UNICEF	United Nations Children's Fund

# EXECUTIVE SUMMARY

## Background

Although in the past decade the Middle East and North Africa (MENA) region has made important advances in terms of reducing extreme poverty and improving health, education and child survival indicators, progress has remained uneven across the region. Countries affected by conflicts and humanitarian situations (such as Iraq, Libya, Syria and Yemen) in particular have seen a reversal in child well-being indicators (UNICEF 2017a). In fact, child poverty in the region remains a critical concern. According to a recent study in 11 Arab countries, one in four children suffers from acute multidimensional poverty (LAS et al. 2017).

An ever-growing body of research has documented the positive effects of social protection on preventing and reducing both monetary and multidimensional child poverty. The nexus between reducing child poverty and social protection policies is also emphasised in Sustainable Development Goal (SDG) 1: “End poverty in all its forms everywhere”, and Target 1.3, which foresees the implementation of “nationally appropriate social protection systems and measures for all, including floors” to achieve substantial coverage of poor and vulnerable people by 2030.

While increased attention is being paid to the role of social protection in improving human development indicators, especially among children, it is important to remember that access to social protection is not just a matter of policies but one of rights, as also enshrined in several international human rights instruments, including the Convention on the Rights of the Child (CRC). A human rights-based approach to social protection foresees that programmes are anchored in a system of rights, clearly establishing citizens’ entitlements and corresponding obligations for the State.

The analysis of whether and how social protection programmes are incorporated into domestic law is an important entry point to advance children’s rights. Embedding social protection programmes in comprehensive legal frameworks is particularly relevant for children, as they are not only more vulnerable to malnutrition, disease and abuse (and thus in need of adequate social protection) but are also more dependent on others for support. Social protection schemes enshrined in national legal frameworks are less prone to political manipulation and become entitlements to which citizens have the right to access (UNICEF 2014).

While the MENA region has a long tradition of providing social support to the most vulnerable segments of society, in many countries social protection systems remain limited, relying to a large extent on food and fuel subsidies and on the support of charitable and other non-state organisations. In recent years the region has seen a number of social protection reforms, which have often included the removal of universal subsidies and the introduction or scale-up of targeted cash transfer programmes, as in the case of Egypt, Iran and Saudi Arabia. In light of this new landscape of social provisioning and the political changes in MENA since the events of 2011, the question arises whether a shift towards a more rights-based approach to social protection can be observed in the region.

## Methodology and limitations

Against this background, this study’s **main objectives** are: (i) to present an overview of the existing legal and regulatory frameworks promoting children’s right to social protection in MENA; and (ii) to assess whether the legal frameworks of the region’s non-contributory social protection programmes comply with a human rights-based approach to social protection.

This study is primarily based on a comprehensive desk review of legal frameworks related to non-contributory social protection in all 20 countries in the MENA region.<sup>1</sup> The term ‘legal framework’ is defined here as “all national laws and other decrees or secondary legislations and regulations” (Transform 2017, Glossary). As such it can refer to

both statutory law as well as executive regulations and decrees (issued by a Minister of State, for example). In a first step, the countries' constitutions, social protection and/or poverty reduction strategies and child rights statutes were mapped. All relevant instruments identified passed through a systematic analysis to examine to what extent they entail the right to social protection, and whether and how they extend this right to children. Afterwards, a review of non-contributory social protection schemes was conducted to verify which programmes in the region are anchored in legal frameworks. Here the authors drew primarily on their previous mapping of non-contributory social protection programmes in the MENA region (Machado et al. 2018), with a major focus on cash transfers, in-kind transfers (including housing and school feeding) and health care benefits.

In a third step, 22 non-contributory programmes were selected for a more in-depth analysis of their legal frameworks. One scheme was included for each country except for the State of Palestine (SOP), where a law for the National Cash Transfer Programme is still in the process of deliberation. The programmes' legal frameworks were assessed to better understand whether they reflect a rights-based approach based on the principles enshrined in the CRC and other human rights instruments. In short, they should: (i) set out the eligibility criteria of the programme; (ii) define the various roles and responsibilities of all those involved in the implementation of schemes; (iii) articulate long-term financial requirements; (iv) establish an accessible complaints and appeal mechanism; and (v) set the foundations for citizens' participation.

Despite the relevance of enshrining social protection schemes in comprehensive legal frameworks, the implementation of public policies, even when mandated by law, does take time to mature. In fact, the adoption of a legal norm does not necessarily lead to an immediate change in social realities, even if it entails the provision of a concrete benefit or improvements in the quality of services provided. In this study a few examples of reported implementation gaps are highlighted; however, a comprehensive assessment of the implementation, efficacy and adequacy of social protection legal frameworks goes beyond its scope. The contribution of this study is nevertheless important, as mapping the legal frameworks helps identify potential regulatory gaps that can ensure the entitlements of potential beneficiaries. Supporting countries to fill in these gaps could lead to a reduction of exclusion errors and to a larger coverage of social protection programmes—a key SDG target.

## Report structure

This report's first section presents relevant background information to the research conducted and describes the conceptual framework and the methodology employed. In Section 2, the main international and regional human rights treaties and conventions, countries' constitutions, social protection strategies and child rights acts or statutes are assessed in depth. Subsequent to this, Section 3 assesses whether the region's cash, in-kind and health protection/benefits are embedded in legal frameworks, and in Section 4 a number of selected programmes are examined in more detail, analysing whether and how they comply with a human rights-based approach to social protection. Finally, Section 5 summarises the main findings of the study and provides a set of recommendations for improving the legal frameworks of social protection programmes in the region.

## Main findings

- Eighteen of the 20 countries in the MENA region **have a legal guarantee to social protection in their constitutions—the two exceptions being Djibouti and Lebanon**. However, **only a few countries—namely, Bahrain, Egypt, Iran, Iraq and Morocco—clearly extend the right to social protection or to an adequate standard of living to all children**. When the right is extended to children, it is often done so for orphans, reflecting the region's tradition of providing assistance to families without a (male) breadwinner. Most frequently, social protection is understood to be provided in the case of the inability to work, such as old age, disability or illness. The right to an adequate standard of living is commonly enshrined in some form into national constitutions, yet to varying degrees. While in some constitutions the right to a decent life is directly

linked to the provision of social security, such as in Egypt, others see an adequate standard of living rather as a desired development objective, as in the case of Kuwait, Oman and Qatar. Furthermore, in many of the region's constitutions, children's right to protection is mentioned within articles related to the importance of the family for society.

- Social protection strategies can help enhance institutional legitimacy and coordination among different governmental schemes. Only Djibouti and Morocco were found to have a specific social protection strategy, even though the former does not have a legal social protection guarantee in its national constitution. The overall tendency in MENA is to embed social protection in broader poverty reduction and development plans. Only a few of the national strategies in the region which encompass social protection **clearly stipulate the provision of social protection to children**. Examples include Djibouti, Jordan and Morocco.
- In total, 14 out of the 20 countries in MENA were found to have a **legal instrument majorly concerned with the rights of children**. However, only seven clearly mention the right to social protection, as in Egypt and the State of Palestine (SOP). Here too, orphans are commonly mentioned as a particularly vulnerable group which should receive social protection services. In Egypt, the 2008 amendments to the national child statute stands out for affirming children's right to social protection by envisaging the introduction of a cash transfer programme targeted at orphans and vulnerable children.
- Out of 154 **non-contributory social protection schemes** mapped in MENA (including cash and in-kind transfers, cash-for-work, educational fee waivers, school feeding programmes, housing benefits, health protection programmes and food and energy subsidies), **more than half (88) are anchored in a legal framework**. Programmes for which a legislation was enacted between the 1950s and 1970s are mainly energy, fuel and food subsidies. In the Gulf countries, laws regulating social assistance date back to the 1970s and 1980s. Since the 1990s the region has seen the introduction of more social transfer-related legislations, especially in Algeria, Tunisia and Yemen. A number of the region's major flagship social protection programmes have been introduced since 2010, such as Iran's cash transfer programme introduced by the Targeted Subsidies Reform Act, *Shamel* in Sudan and *Takaful* and *Karama* in Egypt.
- Analysing the **legal frameworks of the non-contributory programmes** in the region, it can be observed that **several programmes that are particularly relevant for children are not (yet) embedded in a legal framework**. This includes the *Tayssir* programme in Morocco, the *Programme National d'Aide aux Familles Nécessiteuses* (PNAFN—National Programme of Assistance to Needy Families) and its education benefit programme (*Programme d'Allocations Scolaires*—PPAS) in Tunisia, the Emergency National Poverty Targeting Programme (E-NPTP) in Lebanon, as well as the Palestinian National Cash Transfer Programme (PNCTP) in the SOP. For the latter two a relevant provision is in the process of development. It should be remembered here that the implementation of social protection programmes can also precede the development of a clear legal framework, and in some cases even inform those in a positive manner (Kaltenborn et al. 2017). While cash transfer and health protection programmes tend to be somewhat better embedded in legal frameworks, school feeding programmes and in-kind transfers are often missing a clear framework. The lack of legal frameworks for the latter might be explained by the fact that they are often planned to be temporary, responding to humanitarian emergencies.
- It is important to note that **children on the move are commonly not covered by national social protection legal frameworks**. This is particularly the case in the Gulf countries, which have a high number of foreign workers. While other countries are more inclusive in allowing at least economic migrants, refugees are usually not covered by social protection programmes.

- Analysis of a selection of 22 non-contributory social protection programmes (cash transfers and health protection schemes) regulated by a legal framework shows that while most of them define eligibility criteria and institutional roles and responsibilities (albeit with varying degrees of precision), **fewer frameworks stipulate the long-term financial requirements or establish strong complaints mechanisms**. The participation of beneficiaries is rarely mentioned in the legal frameworks in the region. Only three programmes envisage some form of participation: the Disability Card in Lebanon and the *Allocation Spéciale de Scolarité* in Algeria are especially relevant cases to note here.
- Some programmes stand out for their **more comprehensive legal frameworks** and for complying with at least four of the five criteria assessed, such as **Iraq’s Social Protection Network** (regulated by Law No. 11 of 2014) and **Djibouti’s Programme National de Solidarité Famille** (PNSF) (*Décret n°2015-279/PR/SESN*, modified by *Décret N° 2017-096/PR/SEAS*). Yet the existence of a detailed legal framework does not necessarily mean that the programme is implemented as such in reality. The **implementation of a law is particularly challenging in contexts of conflict and war**, which can in the most extreme case lead to complete suspension, as in the case of Yemen’s Social Welfare Fund (SWF).

## Recommendations

Based on the findings of the research conducted, countries in the MENA region should consider the following recommendations to promote children’s right to social protection and strengthen social protection systems to comply with the standards established by international human rights law:

- Work towards **legislation and macro policy documents**, such as social protection strategies that **establish social protection as a right and not merely as charity** or as ‘discretionary’ social policy, ensuring that such right is extended to everyone, including children.
- Ensure that **social protection legislation is inclusive and non-discriminatory**, paying particular attention to the most disadvantaged and marginalised.
- Establish **appropriate regulatory frameworks** to ensure that **children on the move have access to a minimum of social protection**. This should also be supported by the international community. Particular attention should be paid to ensure equal treatment of all refugees, regardless of nationality.
- Embed programmes in comprehensive legal frameworks and complement existing **legislation in line with a human rights-based approach** to social protection.
- Particular efforts should be made to create legally embedded **appeal and complaints mechanisms** as well as **channels which allow beneficiaries to participate in** and inform the design, implementation and evaluation of the programme.
- Strengthen mechanisms that allow for the **monitoring of legal frameworks** and their implementation in practice to hold governments and programme implementers accountable.

# 1. INTRODUCTION

## 1.1 Rationale and objectives of the study

Children's experience of poverty and vulnerability differs from that of adults: not only are they more vulnerable to malnutrition and disease, but they are also more dependent on others for support. In addition, they are at greater risk of exploitation and abuse, including child labour, early marriage and sexual abuse. Malnutrition, lack of health care and low levels of education have long-lasting detrimental consequences on children's cognitive, sensory-motor and social-emotional development, which not only deprive the child itself of its right to survival and development but also negatively affect society as a whole (UNICEF and the Global Coalition to End Child Poverty 2017).

During the Millennium Development Goals (MDG) era, the Middle East and North Africa (MENA) region has made significant progress towards the MDG targets, especially in the areas of eradicating extreme poverty and improving health, education and child survival. However, progress has been uneven across the region: middle-income countries have advanced more than the lower-income ones, and countries impacted by humanitarian conflicts (such as Iraq, Libya, Syria and Yemen) have seen a reversal in child well-being indicators (UNICEF 2017a). A recent study in 11 Arab countries has shown that one in four children suffers from acute multidimensional poverty, meaning that they are deprived of their basic rights in two or more of the following dimensions: decent housing, health care, safe water, sanitation, nutrition, basic education and information (LAS et al. 2017).

The eradication of extreme child poverty and the reduction by half of the proportion of children living in poverty in all its dimensions are at the core of the 2030 Agenda for Sustainable Development, especially in Sustainable Development Goal (SDG) 1: "End poverty in all its forms everywhere" (see SDG targets 1.1 and 1.2). These two targets shall be achieved along with the implementation of "nationally appropriate social protection systems and measures for all, including floors", which by 2030 shall result in a significant increase in the levels of coverage of poor and vulnerable people (SDG 1.3).

An ever-growing body of research has documented the positive effects of social protection on preventing and reducing both monetary poverty and multidimensional child poverty. In the case of the latter, this is mostly achieved through improvements in nutrition, health and education (see Bastagli et al. 2016). Social protection policies do not necessarily have to target children to benefit them. For instance, policies providing income security to households can decrease financial barriers to the well-being of children and ensure their access to basic services.

With increased attention being paid to the importance of social protection in improving human development indicators, especially among children, it is important to remember that access to social protection is not just a matter of policies, but one of rights. The right to social protection is enshrined in several international human rights instruments, including the Convention on the Rights of the Child (CRC), which stipulates that "States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law" (Art. 26). Under a human rights-based approach, social protection programmes are anchored in a system of rights, and corresponding obligations established by international law. Furthermore, a human rights-based approach calls for the clear identification of "rights holders and their entitlements and corresponding duty bearers and their obligations, and works towards strengthening the capacities of rights holders to make their claims and of duty bearers to meet their obligations" (UNRISD 2016, 1).

Although countries in MENA are very diverse, the enforcement of a rights-based approach to social protection is still incipient in the region. In the 1950s and 1960s, most countries in the region started to invest in the establishment of universal and free-of-charge education and health systems, as well as generalised food, water and energy subsidies. However, the collapse of oil prices combined with a fast-growing population have compromised countries' capacity to

maintain a functional social contract, while non-state actors tried to fill in the gap in public service provision (Loewe and Jawad 2018). While these organisations often provide vital services, a strong presence of non-state actors can potentially lead to fragmentation and send a message that social protection is a charity rather than a right, shifting responsibilities away from the State. The perception of social protection being a form of charity rather than a fundamental human right is a key challenge for the achievement of universal social protection in the region (see also Grossi 2017).

The analysis of whether and how social protection programmes are incorporated into domestic law is an important entry point to advance children's rights. Social protection schemes enshrined in national legal frameworks are less prone to political manipulation, and become entitlements to which citizens have the right to access (UNICEF 2014). Against this background, this study's **main objectives** are: (i) to present an overview of the existing legal frameworks promoting children's right to social protection in MENA; and (ii) to assess whether programmes in the region comply with a human rights-based approach to social protection. The main focus of this study is on non-contributory social protection programmes targeted at children or families with children. The emphasis on programmes that address children of families not covered by contributory social insurance systems is particularly relevant in light of the high incidence of informal labour and the worrying levels of multidimensional child poverty in MENA (see AAND 2016; LAS et al. 2017).

To achieve its objectives, this study is organised as follows: first, the remainder of Section 1 provides relevant background information to the research conducted, including the conceptual framework and the methodology employed. In Section 2, four types of legal instruments are analysed regarding the extent to which they specify the right to social protection—namely: (i) the main international and regional human rights treaties and conventions; (ii) constitutions; (iii) social protection strategies; and (iv) child rights acts or statutes. Subsequent to this, Section 3 assesses whether the region's cash, in-kind and health protection/benefits are embedded in legal frameworks, and in Section 4 a number of selected programmes are examined in more detail, analysing whether and how they comply with a minimum set of human rights standards. Finally, Section 5 summarises the main findings of the study and provides a set of recommendations for improving the legal frameworks of social protection programmes in the region.

## 1.2 Background to the study

### The case of child-sensitive social protection in MENA

UNICEF (2012) defines child-sensitive social protection as programmes that aim to maximise children's development outcomes and minimise potential unintended side effects on them. To this end, the design, implementation and evaluation of social protection programmes should consider age- and gender-specific vulnerabilities as well as the different dimensions of children's well-being. Child-sensitive social protection policies can include direct (focused on children) as well as indirect interventions (focused on poor households with children). The design of social protection policies can further foster synergies with other basic social services in the areas of health, nutrition and education. In a previous study conducted by the International Policy Centre for Inclusive Growth (IPC-IG) and UNICEF MENARO (Machado et al. 2018), it was found that although a large number of social protection programmes exist in the MENA region, challenges remain to improve the child-sensitivity of existing social protection systems. Few social protection programmes explicitly target younger children (under 5 years). Many of the programmes that target children are limited to school-age children or to particularly vulnerable groups such as orphans. While many social protection programmes support children's access to education, few were found to directly support children's access to health care or nutrition. Moreover, there is a clear lack of programmes aimed at addressing malnutrition among pre-school-age children. The authors also found that social protection schemes in the region are rarely large enough to reach all children living in multidimensional poverty, emphasising the need to expand them—particularly child/family allowances—

to reach all vulnerable children, especially those under 6 years old, who comprise the age group most deprived of specific social protection programmes.

## **Social protection and equity—responding to the rights of vulnerable children**

Millions of children are deprived of their right to survive, thrive and reach their full potential due to factors beyond their control, such as gender, ethnicity, socio-economic status, disability, place of birth or whether they live in an area of conflict. One of the guiding principles of the Joint Statement on Advancing Child-Sensitive Social Protection is, therefore, to “make special provision to reach children who are particularly vulnerable and excluded, including children without parental care, and those who are marginalized within their families or communities due to their gender, disability, ethnicity, HIV and AIDS or other factors” (UNICEF et al. 2009, 2). Reflecting UNICEF’s emphasis on equity and inclusive social protection, in this study specific attention is paid to the following groups: children on the move—especially refugee and internally displaced children, and children from economic migrant families—orphans and children with disabilities (CwD). It is important to note here that some children belong to more than one of these groups (i.e. a refugee child with a disability) and, therefore, face multiple challenges in accessing social protection.

### **Children on the move**

#### **Refugee and internally displaced children**

Children living in conflict-affected areas are exposed to multiple risks, such as physical injuries and psychological suffering. They are subject to family separation and to early parental death due to violent episodes. Damage to health systems and school infrastructure has both immediate and long-term effects on children. Moreover, children in situations of forced displacement are more prone to poverty and deprivation. The situation of refugee and displaced children is of utmost relevance in the MENA region, where 16.8 million people (as of the end of 2017) were forced to flee conflict, of whom 47 per cent are under the age of 18 (UNHCR 2017). The situation is particularly worrisome for Syrians, who constitute the largest refugee population in the world—6.3 million at the end of 2017 (UNHCR 2018). Neighbouring countries affected include Jordan and Lebanon, where Syrian refugees often live in precarious situations: 76 per cent of Syrian refugee households in Lebanon live below the poverty line (or less than USD3.84 per person per day) (WFP, UNICEF, and UNHCR 2017), and 40 per cent of school-age Syrian children living outside camps in Jordan remain out of school (JIF 2018).

Refugee families are generally not eligible for social protection benefits, nor are they legally entitled to work. Similarly, Internally Displaced Persons (IDPs), despite staying in their home country, may lose access to social protection benefits due to the lack of portability of benefits—as in the case of Iraq’s Public Distribution System (PDS), in which food distribution is based on residence; thus families who are forced to move risk losing access to the benefits (UNICEF 2017b).

While most programmes available for refugee and displaced children are provided by international donors on a temporary basis, an assessment of the extent to which existing national social protection schemes (and their legal frameworks, when in place) are flexible to also include non-national children in the case of conflicts is of particular importance given the multiple conflicts in the region.

#### **Children of economic migrants**

In most countries around the world, economic migrants have access to contributory social protection systems once regularly registered, yet they often face barriers in meeting the minimum requirements needed

to receive benefits, such as a minimum time of contribution. Access to non-contributory social protection can vary significantly across countries. In general, however, most national social protection frameworks leave out “categories of migrants considered to fall outside the social contract—migrants in an irregular situation” (UNDESA 2018, 78).

The large proportion of migrant workers in relation to the total national population—particularly in the Gulf Cooperation Council (GCC) countries—reveals the importance of understanding the extent to which existing legal frameworks include non-national children. In the United Arab Emirates (UAE), immigrants constituted more than 83 per cent of the total population in 2013, with the majority being of South and South-East Asian descent (UNDESA and UNICEF 2013).

The Committee on the Rights of the Child has repeatedly highlighted the problematic situation of migrant workers in the GCC countries. In Oman, where only slightly more than 50 per cent of the total population are Omani nationals (National Centre for Statistics and Information 2017), the Committee noted that it is “concerned that no explicit policies appear to be in place regarding the provision of education, health and other social services to children who are not nationals of the State party, including children of both documented and undocumented migrant workers and of refugees” (Committee on the Rights of the Child 2016, 16).

### Children with disabilities

Families with a member with disabilities are more likely to be poor, and CwD are often negatively affected by the lack of tailored education and health care services (UNICEF 2017c). Evidence from a recent assessment conducted by the Overseas Development Institute and UNICEF in the SOP (Jones et al. 2016) found that three quarters of families with CwD reported financial difficulties because of expenses linked to the child’s disability (such as medication, adapted education materials and care services).

In Lebanon, disability and poverty are the major causes for institutionalisation of CwD, and the country has one of the highest rates of children living in residential care in the world (Lakkis, El-Sibai, and Thomas 2015). The lack of policy alternatives is a key factor in parents’ decision to send their child with a disability to a care institution, especially when they cannot afford their education costs. Institutionalisation is a relevant factor causing family separation, and a growing body of the literature has highlighted the practice’s adverse impacts on children’s well-being and development (Petrowski, Cappa, and Gross 2017). In this sense, improving tailored social protection programmes for CwD, as well as their legal framework, is key to preventing their marginalisation.

No less important, armed conflict is one of the main causes of disability among children (UNICEF 2013). As highlighted by the UN Economic and Social Commission for Western Asia (ESCWA 2017, xi): “It is important to keep in mind that for each person killed, many more are severely injured or permanently disabled.” At the same time, CwD are often marginalised in humanitarian responses and post-conflict recovery programmes (UNICEF 2013). Although the assessment of *ad hoc* programmes provided in humanitarian emergencies is beyond the scope of this analysis, it is important to emphasise that disability-inclusive humanitarian action is key for the fulfilment of CwD’s rights.

### Orphans

The loss of a parent can be a key determinant of vulnerability among children. For instance, orphans are more likely to drop out of school and more exposed to child labour than non-orphans (UNICEF 2014). The situation is especially alarming in countries affected by long-term conflicts: in Iraq the number of orphans is estimated at 5 million (IHH 2014). Enhancing social protection programmes for orphans and embedding them in comprehensive legal frameworks can, therefore, be particularly important in countries which have experienced conflicts.

## Human rights-based approach to social protection

A human rights-based approach is based on the understanding that access to social protection is a human right, as also enshrined in several core human rights instruments, such as the CRC and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (explained further in Section 2.1). Importantly, a human rights-based approach sees individuals as **rights-holders** with legitimate claims on the provision of basic services and social protection. The State and other actors, on the other hand, are **duty-bearers** which have certain obligations and can be held accountable for acts and omissions (Sepúlveda and Nyst 2012).

### Box 1. Human rights-based approach:

#### Principles and minimum standards for social protection programmes' legal frameworks

##### Principles of a human rights-based approach to social protection:

1. Ensuring an adequate legal and institutional framework and adopting long-term strategies
2. Adopting comprehensive, coherent and coordinated policies
3. Respecting the principles of equality and non-discrimination
  - a. Incorporating a gender perspective
  - b. Actively seeking the inclusion of vulnerable children into schemes
  - c. Ensuring equality and non-discrimination in the selection of beneficiaries
  - d. Ensuring the accessibility of social protection schemes
  - e. Ensuring the adaptability of social protection schemes to the needs of the population and to local contexts and deprivations
  - f. Ensuring the cultural acceptability of social protection schemes
  - g. Ensuring the adequacy of transfer amounts and duration
4. Ensuring that the implementation of conditionalities does not have any potential negative impact on human rights
5. Ensuring transparency and access to information
6. Ensuring meaningful and effective participation
7. Providing for complaint mechanisms and effective remedies

##### To guarantee human rights, legislations of social protection schemes should, at a minimum:

1. Set out precise eligibility requirements
2. Provide for mechanisms to ensure transparency and access to information
3. Define the various roles and responsibilities of all those involved in the implementation of schemes
4. Articulate the long-term financial requirements and ensure the adequacy and predictability of benefits
5. Establish accessible complaints and appeal mechanisms
6. Set the foundations for participation channels for citizens.

Source: UNICEF (2014). See also Sepúlveda and Nyst (2012) and Transform (2017).

Based on this understanding, the International Labour Organization's (ILO 2012, para. 7) Recommendation No. 202 concerning National Floors of Social Protection foresees that social security guarantees should be prescribed by national laws, and legal regulations should specify "the range, qualifying conditions and levels of the benefits giving effect to these guarantees". The ILO (2015) also emphasises that all legal instruments should apply the principles of non-discrimination, responsiveness to special needs and social inclusion, ensuring the rights and dignity of children.

The concepts of social protection and social security are closely related but require some explanation. Depending on the definition, social protection is used in a broader sense than social security, encompassing also informal social protection—provided by extended families and local communities—and activities undertaken by private actors (Devereux and Sabates-Wheeler 2004). In a similar vein, UNICEF (2012, 12) understands social protection as "a set of public and private policies and programmes aimed at reducing and eliminating economic and social vulnerabilities to poverty and deprivation". In other cases, it is used in a narrower sense, referring only to policies for the poorest and most vulnerable populations. The term social safety net is also used in this context (Devereux and Sabates-Wheeler 2004).

Most human rights instruments, such as the CRC, usually refer to the right to social security. ILO (2017a) uses the terms social security and social protection interchangeably to refer to the benefits that secure protection in case of social risks and needs. Accordingly, social security schemes can be of a contributory (social insurance) or non-contributory (social assistance) nature. In line with this understanding, in this study, the right to social protection is considered to be embedded in the right to social security, and the two terms are used interchangeably.<sup>2</sup>

A human rights-based approach offers normative standards, principles and operational guidance, relevant not only in justifying social protection but also in informing their design, implementation and evaluation (Piron 2004). Based on the principles enshrined in the CRC and other core human rights instruments, seven key principles are considered to be crucial to ensure that social protection provision complies with human rights standards (see Box 1).

## **Why is it important for social protection schemes to have a legal framework?**

Since the adoption of the Universal Declaration of Human Rights (UDHR) in 1948 and the subsequent adoption of the **International Covenant on Civil and Political Rights (ICCPR)** and the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**, there has been much controversy about the status of economic, social and cultural rights. Often, they are regarded as policy issues. However, national laws can—and should—cover all areas of rights, including those that are considered 'discretionary' social policy. Just like civil and political rights, economic, social and cultural rights impose obligations on the State. However, as put by the former United Nations Special Rapporteur on the right to food Olivier De Schutter (2013, 7): "The apparent vagueness of economic and social rights still constitutes the main obstacle to their enforcement by courts or quasi-judicial mechanisms." Most countries now recognise social and economic rights either in their constitutions or through the ratification of international treaties. Even if these legal provisions are not always enforceable in court, they provide important guidance to national policy (Nundy 2004). One of the key claims of a human rights-based approach is, therefore, to anchor social protection schemes in national legislation.

A lack of comprehensive legal frameworks can threaten beneficiaries' right to social protection, as schemes become more vulnerable to changes in government short-term priorities and political and partisan manipulation. Without a legal framework, governments are not bound by any compulsory action, and are thus more likely to discontinue social protection programmes. Moreover, programmes are more likely to suffer from underfunding. To secure their continuity and create entitlements, it is, therefore, of utmost importance that social protection schemes are enshrined in national legal frameworks (UNICEF 2014; Sepúlveda and Nyst 2012).

Consolidated legal frameworks can strengthen a national social protection environment and help improve coordination among different stakeholders, especially when non-state actors are involved. As Kaltenborn et al. (2017, 20) argue: “Here, a ‘framework legislation’, which complements the sector-specific social legislation by formulating common principles, procedures and fields of competence for the whole area of social protection in a country, can contribute to a clear allocation of administrative responsibilities and to an optimal performance of the services.”

Moreover, access to complaint and grievance mechanisms through legal frameworks can help create a sense of social consensus and hold governments accountable, contributing to the fight against corruption (Kaltenborn et al. 2017). The process of passing a social protection law can also increase transparency in the design of social protection policies.

As defined in several guidelines, including ILO (2012) Recommendation No. 202 (Part II – national social protection floors), legal frameworks should, at a minimum, respond to six criteria to ensure the aforementioned (see Box 1). These criteria were also adopted by UNICEF in its toolkit for assessing the child-sensitivity of social transfers (UNICEF 2014).<sup>3</sup>

In addition to a solid legal framework, social protection should be embedded in a national social protection strategy or a plan of action. National strategies can help ensure long-term institutionalised commitment and avoid fragmentation and a lack of coordination across different programmes and actors (Sepúlveda and Nyst 2012).

It is needless to say, however, that the sole existence of a law is neither a guarantee nor an indispensable prerequisite for the implementation of social protection programmes. A country’s socio-economic and fiscal conditions, as well as political disputes, are determinant for accurate and speedy programme implementation. Moreover, conflict and political instabilities also pose significant threats to the implementation of a programme established by law.

In fact, implementation gaps can be observed across the world. In 2004, the Brazilian Congress passed a law creating the Universal Basic Income (*Renda Básica de Cidadania*).<sup>4</sup> Although the law was sanctioned by the President, it has never been implemented. In Mozambique, the current National Basic Social Security Strategy (*Estratégia Nacional de Segurança Social Básica – ENSSB II*) has set the ground for the implementation of three social protection transfer programmes targeted at children (a child grant for those 0–2 years old, a foster grant, and a transfer for child-headed households) (Falange and Pellerano 2016). Despite recent efforts from the government to improve social protection coverage in the country, the effective creation and implementation of these programmes are still not a reality. In MENA, one example to cite is the Libyan cash allowance, for which a legal framework exists,<sup>5</sup> but there is no evidence indicating that it has ever been paid as foreseen in the law. Moreover, protracted conflict has led to the suspension of some of the region’s programmes, such as the Social Welfare Fund (SWF) in Yemen, which, despite presenting a clear legal framework, has been suspended due to the ongoing conflict.

Moreover, it is not unusual to see the implementation of social protection programmes that are not anchored in laws or other regulations. As argued by Kaltenborn et al. (2017), the absence of a legal framework for an existing social protection scheme can be due to both political and practical reasons: while in some cases governments can be reluctant to make long-term commitments, in others, legal processes can be extremely lengthy, and non-legal regulations (such as policy statements and operational manuals) are, therefore, preferred by decision-makers—especially if the programme is still in a pilot phase.

Experience from Ghana further shows that the implementation of emerging programmes can influence the development of legal frameworks. Both the Livelihoods Empowerment Against Poverty (LEAP) programme and the country’s school feeding programme took precedence over the design of major policy and legal frameworks. Just recently, the country has started working on a Social Protection Bill that builds on lessons learned from the implementation of those programmes (Sabates-Wheeler et al. 2017).

### 1.3 Methodology and limitations

This study is primarily based on a comprehensive desk review of legal frameworks related to non-contributory social protection in all 20 countries in the MENA region.<sup>6</sup> Non-contributory social protection is understood here as social transfers that do not require any direct contribution from beneficiaries or their employers as a condition to receive benefits. This study's focus is on the following types of government-implemented schemes: cash transfers; in-kind transfers, including school feeding programmes; housing; and health insurance/benefits.

In a first step, the countries' constitutions and child rights statutes were mapped. For this, ILO's online database on national labour, social security and related human rights legislation (NATLEX) was used. In addition to NATLEX, reports from international organisations, especially UNICEF and the Committee on the Rights of the Child, and relevant academic literature were consulted to identify additional legal instruments not included in NATLEX. Besides these legal instruments, national social protection and/or poverty reduction strategies were also mapped. All relevant instruments identified passed through a systematic analysis to examine to what extent they entail the right to social protection, and whether and how they extend this right to children.

In a second step, a review of non-contributory social protection schemes was conducted to verify which programmes in the region are anchored in legal frameworks. Here the authors drew primarily on their previous mapping of non-contributory social protection programmes in the MENA region (Machado et al. 2018). In this section, the review focused on a selection of the following three types of programmes: (i) cash transfers; (ii) in-kind transfers, including housing and school feeding; and (iii) health care benefits. Particular attention was paid to those programmes which target orphans, children on the move (such as refugees and internally displaced children) and CwD. Identifying which types of programmes are not (yet) embedded in legal frameworks helps to point out some of the major gaps in regard to anchoring social protection programmes in national legal systems.

In a third step, 22 non-contributory programmes were selected for a more in-depth analysis of their legal frameworks. One scheme was included for each country except for the SOP, where a law for the National Cash Transfer Programme is still in the process of deliberation. The selection prioritised programmes that are most relevant for children (e.g. programmes that target children or families with children, or whose benefit structure increases with the number of household members). A number of toolkits have been developed in the past decade to assess social protection schemes.<sup>7</sup> Drawing on UNICEF's toolkit for social transfer (see Box 1), the legal frameworks of the selected programmes in the region were benchmarked against the following criteria:

- Setting out precise eligibility requirements
- Defining the various roles and responsibilities of all those involved in the implementation of schemes
- Articulating the long-term financial requirements and ensuring the adequacy and predictability of benefits
- Establishing accessible complaints and appeal mechanisms
- Setting the foundations for participation channels for citizens.

Although these criteria are not specific to assessing the child-sensitivity of social protection legislation, they serve as a basis to assess whether existing legal frameworks in the region reflect a rights-based approach based on the principles enshrined in the CRC and other human rights instruments.

In this study 'legal framework' is defined as "all national laws and other decrees or secondary legislations and regulations" (Transform 2017, Glossary). As such it can refer to both statutory law as well as executive

regulations and decrees (issued by a Minister of State, for example). While the former generally requires to be passed through a legislative body, the latter is issued by an executive branch (usually under delegation from the legislative power). Statutory legislation can set out the broad principles and guidelines of a law, while regulations usually detail its specificities (i.e. organisational guidelines or competences for setting out the law) (Clegg et al. 2016). Often social protection schemes are 'only' embedded in presidential decrees, policy statements or operational guidelines, and not in a more extensive legal instrument such as a national social protection law.

Recognising that in some countries in MENA, such as Djibouti or Egypt, major social protection programmes are established by executive decrees, the authors of this study have deliberately chosen a broader definition of 'legal frameworks' than what the ILO or the Social Security Administration (SSA) and the International Social Security Association (ISSA) seem to consider in their respective flagship reports on social protection. The ILO's latest World Social Protection Report, which also reports on countries' progress regarding SDG Target 1.3, only includes programmes anchored in national legislations as these "are usually more stable in terms of funding and institutional frameworks, guarantee coverage as a matter of right, and provide legal entitlements to eligible individuals and households" (ILO 2017a, 14).<sup>8</sup> While there is no official definition detailing which types of legislation are considered, it can be observed that the list of non-contributory family allowances in the MENA region is quite limited, listing only Iraq and Libya (ibid.). Similarly, the SSA and the ISSA, in their Social Security Programs Throughout the World country profiles, mainly focus on programmes which have been established "by statute" (ISSA and SSA 2017, 1) and for which a regulatory framework is defined, as stated in their guidelines for programme inclusion (ISSA 2008).<sup>9</sup>

Although the authors recognise that the national hierarchy of regulatory frameworks can play a major role in determining the programme's viability in the long term and the extent to which citizens can claim their entitlements, restricting this study to programmes embedded in statutory laws (excluding secondary legislations and regulations) would limit the scope of this assessment to a minor number of schemes.

## Limitations

Implementation of public policies, even when mandated by law, does take time to mature. In fact, the adoption of a legal norm does not necessarily lead to an immediate change in social realities, even if it entails the provision of a concrete benefit or improvements in the quality of services provided. In this report a few examples of reported implementation gaps are highlighted; however, a comprehensive assessment of the implementation, efficacy and adequacy of social protection legal frameworks goes beyond its scope. The contribution of this study is nevertheless important, as mapping the legal frameworks helps identify potential regulatory gaps that can ensure the entitlements of potential beneficiaries. Supporting countries to fill in these gaps could lead to a reduction of exclusion errors and to a larger coverage of social protection programmes—a key SDG target.

## 2. THE RIGHT TO SOCIAL PROTECTION IN MENA

### 2.1 Main international and regional human rights instruments relevant to social protection

International law can provide important legal guidelines for social policy provision. As mentioned above, a number of international human rights instruments have provisions on the right to social security, including the **UDHR** (Art. 22, 25) as well as the **ICESCR** (Art. 9, 10).<sup>10</sup> Article 25 of the UDHR provides that children shall be afforded special care and assistance, and Article 10 of the ICESCR foresees measures of assistance and protection, “without any discrimination for reasons of parentage or other conditions.” Although the UDHR is not a treaty and as such does not create legal obligation for countries, it is an expression of the fundamental values and has had a profound influence on the development of legally binding human rights instruments, including the ICESCR. In the MENA region, three countries are not signatories to the ICESCR—namely, Oman, Saudi Arabia and the UAE (OHCHR 2018b) (see Annex I for an overview of all legal instruments discussed in this section and the countries which have ratified them in the region).

With 196 States Parties, the CRC is the world’s most widely signed international human rights treaty (ibid.), demonstrating wide-ranging international commitment to the advancement of children’s rights. The Convention was ratified by all countries in MENA; however, some have made reservations to certain provisions, usually linked to the observation of *Sharia* Law as a framework to the interpretation of the CRC.<sup>11</sup> In addition to Article 26, which stipulates children’s right to benefit from social security, several other articles of the CRC are linked to the right to social protection, such as the obligation by States Parties to guarantee, to the best of their abilities, the survival and development of children (Art. 6) and the right to the highest attainable standard of health (Art. 24). It is also important to note that refugee children are entitled to receive protection and assistance, in accordance with domestic law (Art. 22), and CwD should be ensured special assistance (Art. 23).

Moreover, several ILO Conventions and Recommendations enshrine the right to social security—most notably, ILO Convention 102<sup>12</sup> and Recommendation No. 202 concerning National Floors of Social Protection. While the former is “aimed at unifying and coordinating the various social protection schemes within a single social security system covering all contingencies and extending social security coverage to all workers,” the latter “envisages the development of such systems extending coverage, progressively, to all members of society, with a view to realizing the human right to social security” (ILO 2017b, 7).

Other relevant international human rights instruments that include the right to social security are the **Convention on the Elimination of all Forms of Discrimination Against Women** (CEDAW) (Art. 11), the **Convention on the Elimination of All Forms of Racial Discrimination** (CERD) (Art. 5e) and the **Convention on the Rights of Persons with Disabilities** (CRPD) (Art. 28). The latter highlights that, in particular, women and girls with disabilities and older people with disabilities should have access to social protection and poverty reduction programmes (Art. 28.2b).<sup>13</sup> Most of the countries in the MENA region are signatories to these three treaties (for exceptions, see Annex I).

The **1951 Convention Relating to the Status of Refugees** contains provisions about States’ duty to provide refugees with the same treatment as nationals regarding access to elementary education (Art. 22), rationing (when in place) (Art. 20) and public relief and assistance (Art. 23).<sup>14</sup> When it comes to other benefits, such as access to housing, Member States should treat refugees as favourably as possible (Art. 21 and 22). Only eight countries in MENA<sup>15</sup> ratified the 1951 Convention Relating to the Status of Refugees (UNHCR 2015). It is of interest that Jordan and Lebanon, which have experienced a large influx of refugees, are not signatories.

At the regional level, a number of other relevant instruments exist. The **African Charter on Human and People’s Rights** (also known as the Banjul Charter) entered into force in 1986. The instrument has been ratified by Algeria,

Djibouti, Egypt, Libya, Sudan and Tunisia (ACHPR n.d.). Although the Charter comprises the right to economic, social and cultural development (Art. 22), there is no specific mention of the right to social security. Moreover, except for Article 18, which calls for the protection of the child, there is no specific section on child rights, leaving it to a separate instrument, the **African Charter on the Rights and Welfare of the Child**. Although this instrument deserves special attention due to its adaption to the African context and the specific mentions of the rights of refugee children,<sup>16</sup> it also fails to comprise the right to social security. In the region, Algeria, Egypt and Libya have ratified the Charter. Djibouti and Tunisia have signed it but not ratified it yet (ACHPR n.d.).

The **Arab Charter on Human Rights** was adopted by the League of Arab States in 1994. However, the treaty did not enter into force until 2008. To date, the Charter has been ratified by Algeria, Bahrain, Jordan, Lebanon, Libya, Qatar, Saudi Arabia, SOP, Syria, the UAE and Yemen. Egypt, Kuwait, Morocco and Sudan have signed the Charter but not ratified it yet (LAS n.d. a). Importantly, the instrument stresses everyone's right to social security (Art. 30). Furthermore, in 1983 the Council of Arab Ministers of Social Affairs of the League of Arab States adopted the **Charter of the Rights of the Arab Child**, which aims *inter alia* to achieve advances in social services, especially for poor children (Art. 22). Egypt, Iraq, Jordan, Libya, SOP, Syria and Yemen have ratified the Charter (LAS n.d. b). The Charter spells out several child rights, including the right to social protection (Art. 9).<sup>17</sup>

Lastly, the **Covenant on the Rights of the Child in Islam**, adopted in 2005, stands out as the only human rights instrument focused on the rights of the child specifically enacted for Muslim-majority countries (Monshipouri and Kaufman 2015). Article 14 of the Covenant affirms that states shall recognise all children's right to benefit from social security and that all children are entitled to a living standard suitable to their development (OIC 2005). Yet the instrument was signed by only eight Organization of Islamic Cooperation (OIC) Member States, of which just two have ratified it (OIC-IPHRC 2017).<sup>18</sup>

## 2.2 Constitutions

Constitutional guarantees provide an important basis for key actors to push for the right to social protection. The parliament, for instance, can cite constitutional guarantees to demand action from the government (Kaltenborn et al. 2017). Most constitutions provide particular protection for civil and political rights, which are relevant to claim social protection, as they ensure key rights such as non-discrimination. Moreover, most constitutions also include provisions on economic and social rights; however, these tend to be less enforceable than political rights (Piron 2004).

Constitutional provisions are especially relevant when they provide the basis for court rulings. In South Africa, for example, the Constitutional Court ruled that a statutory provision which excluded non-South African permanent residents and their children from access to social assistance was unconstitutional, as the provision infringed their constitutional rights to human dignity, equality and access to appropriate social assistance (2004 6 BCLR 569 (CC), in Transform 2017). Yet the extent to which constitutional provision can provide the basis for seminal rulings depends on the legal system in place and the ability of courts to enact these rights (*ibid.*). In the MENA region, no such similar case has been reported.

After the political uprisings in the region, several countries in MENA enacted new constitutions or modified the existing ones. While the first group comprises Egypt, Libya and Tunisia, the second group includes the monarchies of Bahrain, Jordan, Morocco and Oman, as well as Algeria (Sultany 2017). It can be observed that some of these newly reformed constitutions show stronger (at least rhetorical) commitment to social rights. For instance, the Egyptian constitution of 2014 responds to a number of grievances put forward by the protesters during the events of 2011. The constitution included the right to social security (Art. 17), the right to health care and a minimum government spending of 3 per cent of gross domestic product (GDP) on health (Art. 18), a progressive taxation system (Art. 38), poverty eradication (Art. 27), the right to decent housing (Art. 78) and the right to food (Art. 79), among others. Moreover, the Constitution also includes provisions for certain vulnerable segments of the population, such as children and CwD (Art. 80), people with disabilities (PwD) (Art. 81) and elderly people (Art. 83).

In Algeria, the State’s commitment to facilitate the availability of housing for disadvantaged groups (Art. 67) was added in the 2016 reform. In Tunisia, the new Constitution of 2014 also granted several socio-economic rights, including the right to social assistance (Art. 38), which was not included in the 1959 Constitution. Baccouche (2016) highlights that this covers not only Tunisians but all citizens, including residents of foreign nationality, but criticises, however, the “silence’ of the constitution regarding social finances” (2016, 4). According to the author, an annual law governing social finances should have been envisaged to ensure the financial durability of the social security system.

## The right to social protection

The scope and ‘strength’ of the constitutional right to social protection can vary significantly across countries. In general, it can be differentiated between two sets of state obligations: (i) a duty directly imposed on the State (“the state shall guarantee”); or (ii) as an individual right (“every citizen has the right to”) (Transform 2017). Furthermore, some countries see social protection as a constitutional objective, directive or guiding principle, either in addition to or instead of the State’s obligation to provide social protection to its citizens. For example, the Constitution of Japan refers to social security in Article 25 (2), stating that “the State shall use its endeavours for the promotion and extension of social welfare and security, and of public health” (Constitution of Japan, in Transform 2017). While these kinds of provisions can—if adhered to—help provide general guidance for policymaking and strengthen the objective of achieving social protection for all, they do not provide an individual right that citizens can claim (and can thus be considered less strong).

**Table 1. Relevant articles in constitutions related to the right to social security and an adequate standard of living**

Country	Year of Constitution (adopted or last amended)	Relevant articles related to social security	Relevant provisions related to an adequate standard of living	Provisions related to social protection or standard of living explicitly extended to children
Algeria	2016	Art. 69	Art. 73	
Bahrain	2002	Art. 5c	Art. 9f, 15b	Art. 5c
Djibouti	2010			
Egypt	2014	Art. 17	Art. 78, 79, 80, 83	Art. 80
Iran	1989	Art. 29	Art. 31, 43	Art. 29
Iraq	2005	Art. 30	Art. 28, 30	Art. 30
Jordan	2011			
Kuwait	1992	Art. 11	Art. 20, 48	
Lebanon	2004			
Libya	2011	Art.8	Art.8	
Morocco	2011	Art. 31, 34	Art. 31	Art. 34
Oman	2011	Art. 12	Art. 11	
Qatar	2003		Art. 28	
Saudi Arabia	2005	Art. 27		
SOP	2003	Art. 22	Art. 23	
Sudan	2005		Art. 10	
Syria	2012	Art. 22 (1)	Art. 13	Art. 22 (1)
Tunisia	2014	Art. 38	Art. 21	
UAE	2004	Art. 16		Art. 16
Yemen	2001	Art. 56	Art. 7	

Source: Authors’ elaboration based on national constitutions mapped.

Almost all countries in the MENA region, except Djibouti and Lebanon, have a provision related to social security in their constitution (see Table 1). In Egypt and Iran the right to social security is formulated as an individual right. The Egyptian Constitution provides that “all citizens who do not benefit from the social insurance system have the right to social security” (Art. 17). Similarly, the Iranian Constitution reads: “[e]very person is entitled to the enjoyment of social security” (Art. 29). In comparison, in Morocco the article related to social security is formulated rather as a guideline: “The State, public institutions and local authorities work to mobilize all the means available to facilitate equal citizens’ access to the conditions allowing them to enjoy the rights: health care; social protection, medical coverage and mutual solidarity or organized by the State” (Art. 31).

Most constitutions further detail under which circumstances social protection should be entailed: while old age and sickness are the most common social risks mentioned, Bahrain, Egypt, Iran, Iraq and the UAE extend this to unemployment, and Oman and Syria also include cases of emergencies. Countries that explicitly extend the right to social security to PwD include Bahrain, Iraq, Oman, Saudi Arabia, SOP, Syria, the UAE and Yemen. The Basic Law of the SOP of 2003, for example, states that “caring for martyrs and those in captivity, those who were harmed and the disabled shall be regulated by the provisions of the law, the national authority shall guarantee for them the services of education, medical and social insurance” (Art. 22.2, own translation).

## **The right to an adequate standard of living**

The right to an adequate standard of living is closely related to the right to social protection, as it foresees the establishment of a minimum entitlement to food, water, clothing or housing (see also Pogge 2005). A number of countries in the region make reference to the right to an adequate standard of living.

In Algeria, the Constitution provides that those who cannot yet work should have their living conditions guaranteed (Art. 73), which denotes a direct concern with children’s fundamental rights. The Iraqi Constitution foresees that the State shall provide the basic requirements for living a free and decent life (Art. 30). Similar provisions can be found in Libya (Art. 8) and Tunisia (Art. 21). Egypt’s Constitution also stands out here, as it provides that social security shall enable citizens to live a “decent life in the event of being incapable to provide for themselves and their families” (Art. 17). Furthermore, it explicitly mentions the right to sufficient food and clean water (Art. 79) and reaffirms every child’s right to basic nutrition (Art. 80). Morocco’s Constitution also affirms that the State ought to provide all means and conditions to grant everyone access to safe water (Art. 31).

Moreover, several constitutions have provisions related to the right to housing. In Bahrain (Art. 9f) and Iran (Art. 31) it is emphasised that priority should be given to those most in need. In Algeria, this provision was added in the 2016 constitutional reform (Art. 67). In Egypt, the right to housing is phrased as the right of future generations (Art. 78), being specifically extended to children (Art. 80).

In other countries, an adequate standard of living is framed rather as a desired outcome of economic development. For example, in Sudan the Constitution sets down that the overarching aims of economic development shall be: eradicating poverty, attaining the MDGs, guaranteeing the equitable distribution of wealth, redressing imbalances of income and achieving a decent standard of life for all citizens” (Art. 10). The achievement of a decent standard of living is also included as an economic goal in the constitutions of Iran, Kuwait (Art. 20), Oman (Art. 11), Qatar (Art. 28) and Yemen (Art. 7). A few countries envisage tax exemptions to those with low income to ensure a minimum standard of living, including Bahrain (Art.15b), Iraq (Art. 28) and Kuwait (Art. 48).

## **To what extent are entitlements extended to children?**

Across the world, there are only a few constitutions which have a separate article on children’s right to social protection. The Constitutions of South Africa and Honduras provide exceptions here (see Box 2). The latter stands out for including prenatal care and the right to food.

## Box 2. Children's right to social protection in constitutions around the world

**South Africa:** Every child has the right to basic nutrition, shelter, basic health care services and social services (Art. 28c).

**Honduras:** Every child shall enjoy the benefits of the social security and education. They have the right to grow and develop in good health, for which must be provided, both to him and his mother, special care from the prenatal period, taking right to enjoy food (Art. 123).

In MENA, only a few constitutions explicitly extend the right to social protection to children. An example is the Iraqi Constitution, which highlights the right of women and children to social and health security, the basic requirements for living a free and decent life, suitable income and appropriate housing (Art. 30). In the UAE, the Constitution provides that minors—among other vulnerable groups—should be protected and that this should be regulated by public assistance and social security legislation (Art. 16). The Moroccan Constitution indirectly refers to children's right to social protection by stating that the government should develop and implement policies for people with special needs to address the vulnerability of certain groups, including women and mothers, children and elderly people (Art. 34). However, as mentioned above, this entitlement is not framed as an individual right but, rather, as a policy task. Egypt's Constitution does not explicitly extend the right to social security to children, although it emphasises their right to an adequate standard of living. Article 80 stipulates that each child has the right to health, basic nutrition and safe shelter.

Many of those countries that explicitly extend the right to social protection to children refer to **orphans** as a group that should be covered by social security. Article 5c of the Bahraini Constitution, for example, reads that: "The State guarantees the requisite social security for its citizens in old age, sickness, disability, orphanhood, widowhood or unemployment, and provides them with social insurance and health care services as well. It strives to safeguard them against ignorance, fear and poverty." Through Article 72 of its Constitution, the Algerian State commits itself to care for "abandoned children or those of unknown parentage." Similarly, the Iranian Constitution affirms that those without guardians are entitled to social security (Art. 29). The Syrian Constitution of 2012 also guarantees care for orphans (Art. 22). Yet other groups of vulnerable children, such as CwD or non-national children, are generally not mentioned in the constitutions analysed.

While the minority of constitutions in the region specify children's right to social protection or to an adequate standard of living, it is worth noting that very frequently they refer to the care and protection of children in a more general sense. All countries, except Djibouti and Lebanon, have an article related to the protection of the child.<sup>19</sup> The Palestinian Basic Law, for instance, highlights that childcare is a national duty and that all children have the right to protection and inclusive care (Art. 29). Several constitutions also spell out the duty of States to protect children against abuse, neglect or violence.<sup>20</sup>

Often children's right to protection is mentioned within articles related to the importance of the family for society. The Kuwaiti Constitution, for example, reads: "The family is the corner-stone of Society. It is founded on religion, morality, and patriotism. Law shall preserve the integrity of the family, strengthen its ties, and protect under its support motherhood and childhood" (Art. 9). Similarly, the Libyan Constitution foresees that the State shall guarantee the protection of childhood and take care of children, youth and PwD (Art. 5). While these articles can be understood to indirectly include children's right to social protection, they do not make this right explicit (and are thus not listed in Table 1).

### 2.3 National strategies addressing social protection

While constitutional provisions are important to guarantee the right to social protection, social protection strategies can play an important role in translating this right into practice by proposing concrete actions. Although policy strategies are not legally binding, they can help increase the overall policy commitment. When endorsed and

followed by all relevant ministries and agencies, national strategies can help avoid fragmentation and a lack of coordination across different programmes and actors (Sepúlveda and Nyst 2012). At the programme level, it can help ensure long-term institutional commitment and provide adequate financial and human resources to a given programme. In addition, a common strategy can help enhance the institutional legitimacy of a programme (World Bank and UNICEF 2013).

Strategies that are exclusively concerned with social protection are rare in MENA; rather, social protection tends to be part of broader policy documents, such as development plans or poverty reduction strategies (see Annex II). Only two countries in the region, Djibouti and Morocco, have a social protection strategy.<sup>21</sup> Both countries stand out for highlighting the importance of providing social protection for children. One of the four main axes of Djibouti's strategy is about guaranteeing income for children living in households experiencing acute poverty (République de Djibouti 2017). The Moroccan strategy takes a life-cycle approach, aiming at a more integrated approach to social protection with a particular focus on children (Ministère Délégué auprès du Chef du Gouvernement Chargé des Affaires Générales et de la Gouvernance and UNICEF 2016).

While in Iraq, Jordan and Sudan, social protection is included within poverty reduction plans, in Algeria, Bahrain, Egypt, Lebanon, Qatar and Saudi Arabia social protection measures are included in more general development plans or government plans of action.<sup>22</sup> The Strategy for Reduction of Poverty in Iraq 2018–2022 (Republic of Iraq 2018) clearly emphasises social protection as a government priority. The strategy was developed in close cooperation with the World Bank and other international entities to respond to Iraq's needs after the conflict with the Islamic State of Iraq and Syria (ISIS), as well as the decline of government revenues (mainly due to falling oil prices and the impacts of the war on the economy). Yet, while the strategy outlines areas of work and outcomes/pillars, it does not have solid plans on financing and is mainly based on expected foreign support.

While the need of improving health and education systems is a common policy objective, the extent to which the provision of social protection services is extended to children differs across the countries mapped. The Poverty Reduction Strategy 2013–2020 in Jordan is one of the few of its kind that explicitly mentions social protection for children—one of the aims being to provide an inclusive social protection system for children of poor households and families below the middle class.<sup>23</sup> The country's National Vision and Strategy also sets clear targets for enhancing social protection in the country, foreseeing increased coverage rates and higher benefit levels for poor and needy families by 2025 (Government of Jordan 2015).

Qatar's Second National Development Strategy 2018–2022 envisages developing and improving legislation related to social protection (State of Qatar 2018). In Bahrain, the Government Programme of Action 2015–2018 foresees conducting a comprehensive review of legislation on social protection services (Government of Bahrain 2015). The aim of improving legislation on social protection is also emphasised in Tunisia's Decent Work Country Plan (ILO 2017c), which envisages the implementation of legal, judicial and institutional frameworks of the Social Protection Floor (Output 4.4.2) and calls for legal frameworks specific to social solidarity programmes (Indicator 4.5.1).<sup>24</sup>

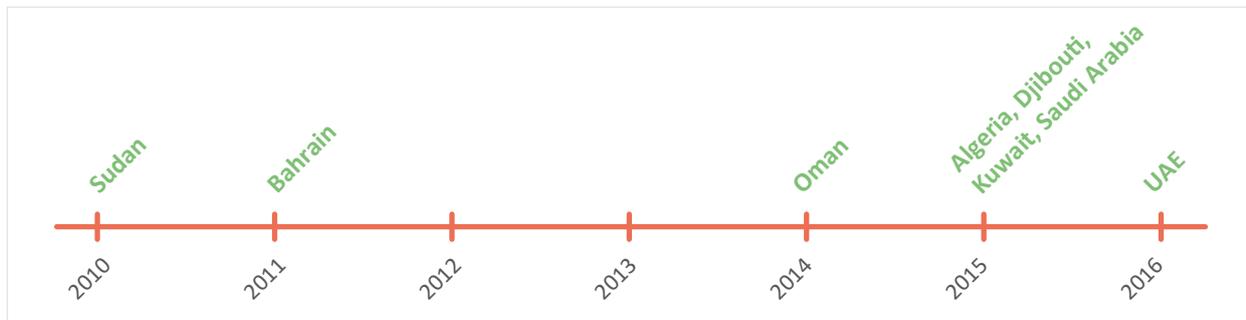
Mentioning specific programmes in a social protection strategy is important, as it strengthens institutional support and coordination among relevant stakeholders. While Djibouti's, Jordan's, Morocco's and Saudi Arabia's strategies provide rather detailed information on their social protection programmes, others do not mention any specific programmes (see Annex II). Yet it needs to be noted that in the case of the latter, the plans analysed are broader development plans, while the former are more specific in detailing social protection or poverty reduction.

## 2.4 Child rights acts

The adoption of a comprehensive statute for children can be considered a relevant step forward in the strengthening of children's rights in a country. In total, 14 of the 20 countries in MENA were found to have a specific legal instrument

concerned with the rights of children (see Annex III for a comprehensive list), although only 7 clearly state children's right to social protection.<sup>25</sup> Until 2010, only Egypt, Libya, Tunisia and Yemen had enacted national child rights acts. Yet, between 2010 and 2015, as many as eight child rights acts were enacted, enhancing measures to protect children and promote their rights, as illustrated in Figure 1.

**Figure 1. Introduction of child rights acts in MENA since 2010**



Source: Authors' elaboration based on child rights acts mapped. For specific legislation, see Annex III.

The Committee on the Rights of the Child welcomes the introduction of a child rights act as a mechanism that can give legal effect to the array of rights and principles stated in the CRC (UNICEF 2007). Yet the simple existence of such an instrument is by far no guarantee for the fulfilment of children's rights. When examining the child statutes in MENA, it can be observed that they are mostly related to civil rights and the justice system, including juvenile justice. In comparison, access to social protection, along with economic, social and cultural rights, is usually treated as a policy recommendation, rather than a right in itself.

It is important to highlight that the Child Act in Egypt<sup>26</sup> passed through significant amendment procedures in 2008 which were important to broaden rights relevant to social protection. For instance, Article 7-bis was included, affirming that "every child shall have the right to access health and social care services and be treated for any illnesses." Moreover, Article 49 was added, foreseeing the establishment of a social transfer (monthly pension) for orphans, children of female-headed households or of divorced women, and children whose head of household (father or mother) is in prison. The instrument is very detailed compared to others in the region, such as the recently launched law on child rights in the UAE ('Wadeema's Law').<sup>27</sup> Chapter V (Art. 23) on Social Rights reads: "children who do not have a competent breadwinner or source of income shall have the right to be assisted by the State according to the laws in force."

In Tunisia, the first chapter of the Child Protection Code<sup>28</sup> is titled 'Social Protection'. However, it is mainly concerned with the establishment of a child protection delegate in each governorate and the "physical and moral integrity" of the child. Social protection in the sense of provision of services or benefits is not mentioned in the chapter, which also shows the sometimes ambiguous use of the word 'social protection' in different contexts and languages.

In the SOP, the right to social assistance is enshrined in the Palestinian Children Act and Amended Child Law 2012 (Art. 31), which covers orphaned children, children in social welfare institutions, families with no breadwinner, children of imprisoned parents, children of families whose houses have been destroyed or burned, CwD and those who are chronically ill. The direct reference to the rights of CwD is recurrent in other child acts, such as the Child Law in Bahrain<sup>29</sup> (Articles 31 to 33), Egypt's Child Act (Part VI: Care and Rehabilitation of the Disabled Child); Kuwait's 2015 Law on Childs Rights<sup>30</sup> (Chapter 6) and Oman's 2014 Children Law<sup>31</sup> (Chapter 8 on the Right of CwD).

The CRC also attributes to the State the duty to grant families the appropriate assistance so that children's rights can be ensured. According to the statutes in Sudan<sup>32</sup> and the SOP, the primary responsibility for providing children with appropriate living conditions lies with the children's parents. However, these statutes also foresee the direct role of the government in providing assistance and support so that parents or guardians can provide adequate living standards to their children.

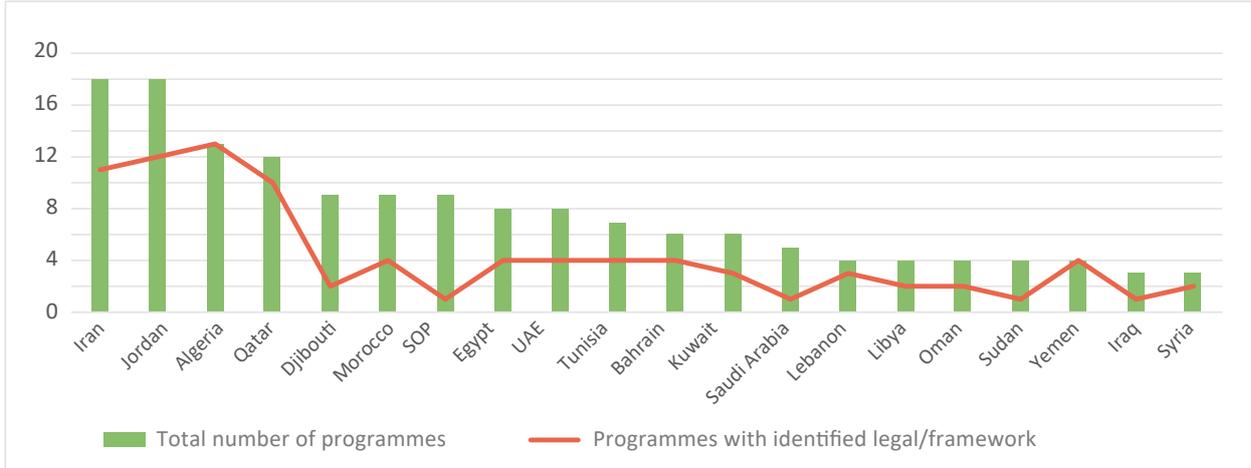
# 3. OVERVIEW OF SOCIAL PROTECTION PROGRAMME LEGISLATION IN MENA

## 3.1 Trends in time

The provision of social protection in the MENA region has traditionally relied on universal subsidies and contributory insurance schemes for public employees and those working in the formal labour market. This system was strengthened by mostly free-of-charge health and education systems established during the 1950s and 1960s, when many countries in the region reached political independence. While non-state actors (such as charities, religious and grass-roots organisations and kinship systems) have played a central role in filling the gap of assistance to the poorest people, in recent years governments in MENA have started to move away from universal food and energy subsidies towards more targeted cash transfer schemes (Loewe and Rawad 2018).

Programmes considered in this section were included based on the schemes mapped in Machado et al. (2018). Out of 154 non-contributory social protection schemes mapped in MENA (including cash and in-kind transfers, cash-for-work, educational fee waivers, school feeding programmes, housing benefits, health protection programmes and food and energy subsidies), more than half (88) are anchored in a legal framework (see Annex IV). Figure 2 illustrates the number of programmes mapped in each country in comparison with those with identified legal provisions.

**Figure 2. Number of social protection programmes per country and identified legal provisions**

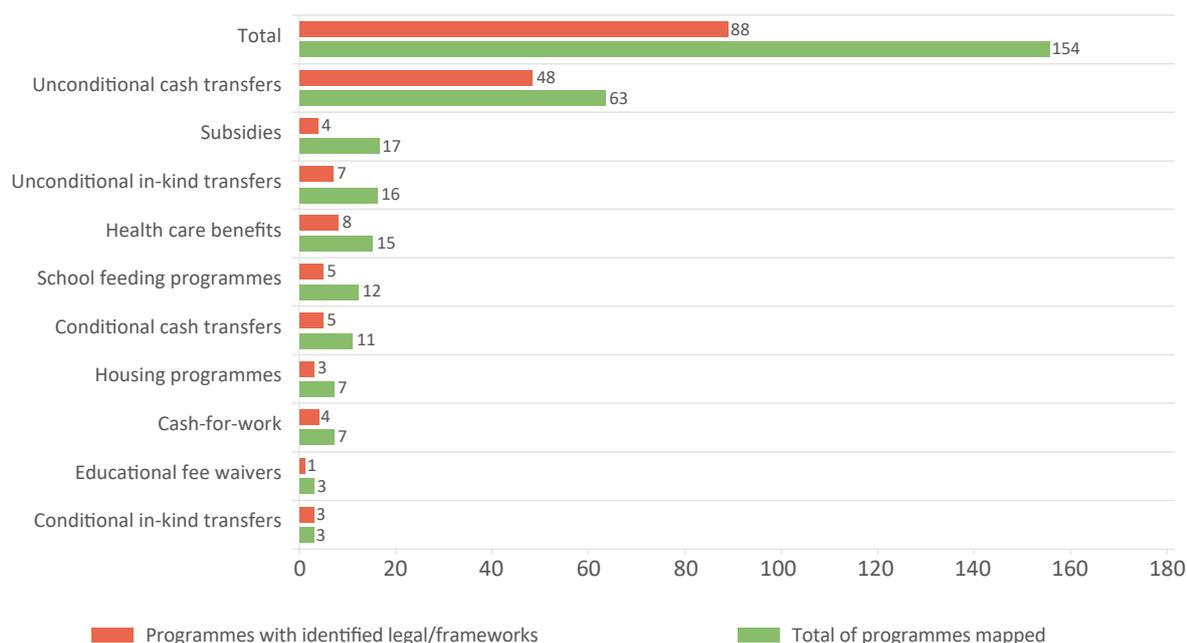


Source: Authors' elaboration based on social protection programmes mapped in Machado et al. (2018).

When the analysis is disaggregated by programme type (see Figure 3), unconditional cash transfers (the most frequent provision of social protection in the region) are shown to be the programme type that is most often anchored in law—as more than two thirds of the schemes mapped are embedded in a legal framework. On the other hand, not even half of school feeding programmes or conditional cash transfers are anchored in law.

Figure 4 shows the year of introduction of 65 laws issuing non-contributory social protection programmes in all 20 countries in the region.<sup>33</sup> Programmes for which legislation was enacted between the 1950s and 1970s are mainly energy, fuel and food subsidies—such as the Lebanese Cereals Legislative Decree of 1959 and Law No. 26 of 1970 in Tunisia, creating the *Caisse Générale de Compensation*. In Iran, the 1979 Islamic Revolution was a landmark event for the country's social assistance system. In the same year, the statute of the Imam Khomeini Relief Foundation (IKRF) was introduced, setting the legal foundations for the introduction of a variety of social protection schemes in the country, including cash and in-kind transfers as well as health care benefits.<sup>34</sup>

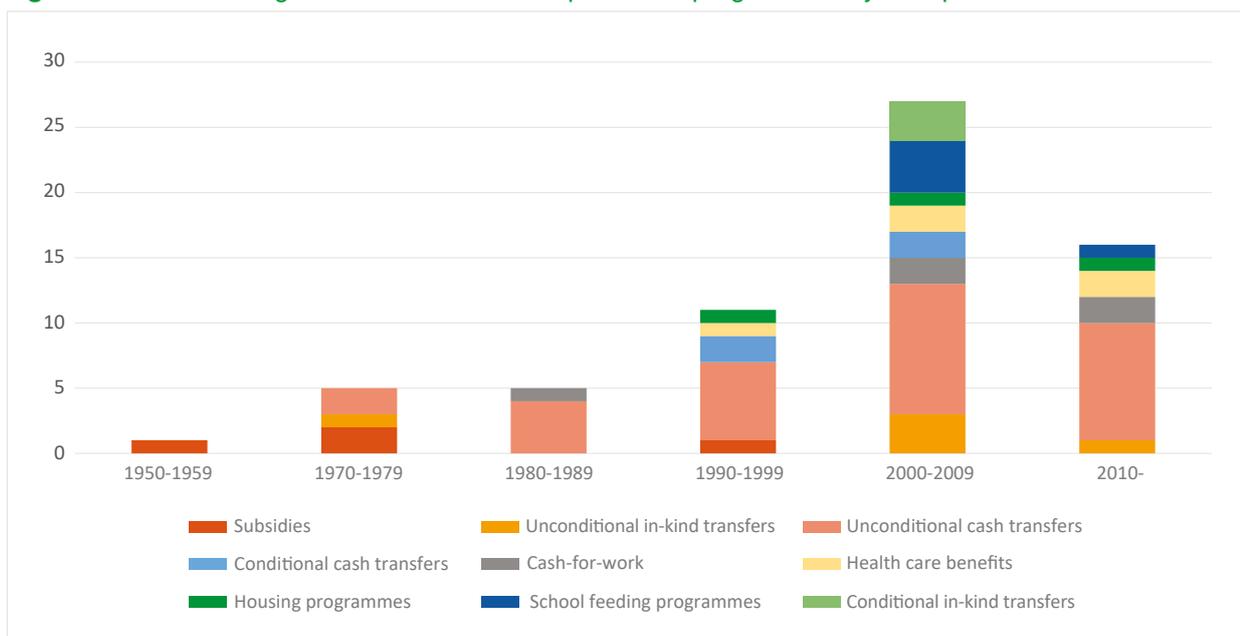
**Figure 3. Legal provisions disaggregated by programme type**



Source: Authors' elaboration based on social protection programmes mapped in Machado et al. (2018).

Among the GCC countries, some of the laws regulating social assistance date back to the 1970s and 1980s, such as in Kuwait, where the General Assistance Programme was enacted in 1978,<sup>35</sup> and in Oman, where the Monthly Cash Assistance Programme was introduced in 1987.<sup>36</sup> Importantly, in 1980 the Egyptian Social Solidarity Pension was established,<sup>37</sup> aiming to prevent poverty among families without able-bodied males.<sup>38</sup> Since the 1990s the region has seen the introduction of more legislation related to social transfers, such as Yemen's SWF in 1996,<sup>39</sup> Algeria's *Allocation Forfaitaire de Solidarité* in 1994<sup>40</sup> and Tunisia's *Assistance Médicale Gratuite* (AMG—Free Medical Assistance).<sup>41</sup>

**Figure 4. Number of legal frameworks of social protection programmes by time period issued**



Source: Authors' elaboration based on social protection programmes available in Machado et al. (2018).

It is notable that a large number of the legislative provisions considered in this analysis were enacted after 2000 (see Figure 3). However, a closer look shows that this increase was concentrated in a small group of countries. In Algeria, for instance, 10 social protection programmes were created by law between 2000 and 2009,<sup>42</sup> and another three were instituted in the UAE, including the Social Assistance Act<sup>43</sup> establishing the Monthly Cash Benefit. Other relevant legal frameworks introduced in this period are Morocco's 2002 Law on Basic Health Coverage—setting the legal foundations for the *Régime d'Assistance Médicale aux Economiquement Démunis* (RAMED—Regime for Medical Assistance to the Most Deprived)—and Saudi Arabia's Royal Decree No. M/45 of 2006, establishing the cash-based Supplementary Support Programme.

Despite relevant efforts to improve social protection and redirect investments towards non-subsidy social safety net programmes (such as in Egypt and Iran, to mention just two), countries in MENA are still at the beginning of implementing major reforms in their social policy sectors (Loewe and Rawad 2018). Nevertheless, a number of flagship social protection programmes have been introduced since 2010, the largest one being Iran's quasi-universal cash transfer created by the Targeted Subsidies Reform Act.

### Box 3. The role played by *zakat* in the provision of social protection

Religious institutions such as *zakat* (obligatory wealth tax), *waqf* (endowments) and *sadaqa* (charitable donations) play an important role in the MENA region in the provision of social services, including social protection. *Waqf* is usually used for social services and community development, such as hospitals, schools and sanitation systems. *zakat* and *sadaqa* contribute to the provision of social protection through cash and in-kind transfers (ESCWA 2014). While *Ssadaqa* is a voluntary donation, *zakat* is a religious duty—constituting one of the five pillars of Islam—for all Muslim citizens who are above a certain wealth threshold.

The way in which *zakat* is administered differs across countries in the MENA region. While *zakat* collection is legally imposed and managed by the State in a few countries, such as Libya, Saudi Arabia, Sudan and Yemen, others have structured systems for their collection which are considered voluntary (Hasan 2015). In Saudi Arabia, *zakat* is administered by a department within the Ministry of Finance. In Yemen, it is collected by the Zakat Chamber, and funds are distributed at the governorate and district level, as well as to the SWF, where contributions are merged with other funds to finance social protection programmes. In Jordan, the first law regulating the collection of *zakat* dates back to 1944. The National Zakat Fund was created by law in 1978 and is today a key institution in the State's national social protection system. However, only Law No. 8 of 1988 provided financial and administrative independence to the Jordanian Zakat Fund.

The Sudanese Zakat Fund, managed by the Ministry of Welfare and Social Security, is among the largest ones in the region. In 1984, payment of *zakat* was made compulsory by law. In 1986, a new law established the Sudanese Zakat Chamber, an independent chamber, to separate *zakat* from other taxes. Finally, in 2001 the Zakat Act became the guiding document for *zakat* in the country, establishing it as a socio-economic institution charged with providing social assistance. *Zakat* resources fund about 87 per cent of the social assistance provided by the government (excluding subsidies), and 2.6 million households benefited from *zakat* in 2016 (Zakat Fund 2016). In 2011, the Higher Institute of Zakat Sciences partnered with the Central Bureau of Statistics to conduct a poverty census. Beneficiaries are identified by local branches of the Zakat Fund using the poverty census database (Kjellgren et al. 2014; Turkawi 2015). Sudan thus provides one of the most notable examples of institutional efforts to integrate *zakat* into the national social protection system.

It can be further observed that for some programmes already in place legal frameworks were only subsequently introduced. In Iraq, for example, the Social Protection Network was introduced in 2005 with the aim of redistributing income in favour of poor people. However, the main law defining the programme's eligible groups and the scheme's benefit level was passed in 2014,<sup>44</sup> several years after the programme's start date. The same applies to the National Social Aid Fund (NSAF) in Syria, for which a decree was enacted in 2011, four years after its inception in 2007.

The legal frameworks for programmes starting on a regional level or as donor-funded pilots (less common in the region) are often only enacted after the scale-up or handover of the programme to the national government. As Kaltenborn et al. (2017) point out, this gradual process can be understood to be in line with the concept of ‘progressive realisation’, a principle also entrenched in international human rights law (see ICESCR Art. 2 (1)). However, this does not seem to be the case in MENA, where only one of the five national schemes that started as a pilot programme has a legal framework: Morocco’s RAMED started in 2002 as a pilot programme but has been regulated by a legal framework since its inception.

In Lebanon, the Emergency National Poverty Targeting Programme (E-NPTP) started as a pilot and was scaled up nationally in 2011. The scheme was established as an ‘emanating project’ by a ministerial decree, which legislates the programme as an official unit within the Ministry of Social Assistance.<sup>45</sup> In 2016, there were discussions at the government level to create a conditional cash transfer (CCT) building on and incorporating the E-NPTP. Also, a draft law has been issued, aimed at institutionalising the programme as a permanent feature of Lebanon’s social protection system. Although its approval is considered a milestone for the development of Lebanon’s social protection system, no progress has been achieved yet on this matter (World Bank 2016a).<sup>46</sup>

In most Muslim-majority countries, over the past years increased attention has been paid to the role of Zakat Funds in the provision of national social protection programmes (Machado, Bilo, and Helmy 2018). In the MENA region, Zakat Funds exist in Algeria, Jordan, Libya, SOP, Sudan and Yemen (to mention a few). In some of those countries, both collection and distribution have been directly regulated by the State, and legal frameworks have been enacted to regulate them (ibid.) (see Box 3). In the following, three types of programme groups are discussed in more detail: (i) cash transfers; (ii) in-kind and housing transfers; and (iii) health protection programmes.

### 3.2 Cash transfer programmes

Apart from Libya, none of the countries in the region has passed a legislation creating a universal child allowance system. According to Law No. 27 of 2013 on Allowances for Children and Wives, LYD100 per month should be paid by the Ministry of Social Affairs to all children under 18 and to single women without income. The same law also stipulates that a monthly allowance of LYD150 should be paid to married Libyan women who do not earn a salary (ILO 2014). Given the current conflict in the country, it is uncertain whether this law is actually being applied.

A few of the countries in the region offer employment-related family allowances. These allowances, however, are only paid to those who work in the formal labour market, leaving out families who are not included in the contributory social security system. According to ILO (2017a) data, only six countries in the region provide employment-related family allowances. Table 2 presents the programmes’ legal frameworks and the eligible groups. In Iran, for example, family allowances are paid for up to two children under the age of 18, if they study full-time or if the child has a disability (SSA 2016). In Algeria, the first law regulating family allowances dates back to 1941.<sup>47</sup> Only non-agricultural employees and social insurance beneficiaries are covered. Families earning DZD15,000 a month or less receive DZD600 per month for each of the first five eligible children, and DZD300 for each additional child. Families earning more than DZD15,000 receive DZD300 per child. In addition, an annual school allowance of DZD800 is paid for each child older than 6 years (and DZD400 for each additional child after the first five) (SSA 2017).

Analysing the types of non-contributory cash transfers in MENA, a diverse scenario can be observed. All 20 countries implement at least one cash transfer scheme, ranging from large-scale programmes, such as Iran’s Targeted Subsidies Reform Act of 2009, to several smaller ones, such as emergency programmes or benefits paid to PwD (Machado et al. 2018). Poor families without a male breadwinner or whose household head is unable to work are the most frequently targeted groups. This also explains why children are usually not the explicit focus of these programmes, with the exception of schemes that target orphans or CwD.

**Table 2. Employment-related family allowances in MENA**

Country	Eligible groups	Legal framework
Algeria	Non-agricultural employees and social insurance beneficiaries	<i>Arrêtés de 6 mai et 10 juin 1941</i>
Djibouti	Salaried workers covered by the labour code	<i>Arrêté n°83-0207/PR/CPS du 14 février 1983 portant relèvement de l'allocation familiale et de l'allocation de mariage;</i> <i>Loi n°73/AN/89/2ème L portant codification du régime des prestations familiales</i>
Iran	Employed persons	<i>1975 Social Security Law</i>
Lebanon	Employees and social insurance beneficiaries	<i>Loi rendu exécutoire par le décret no 13955 du 26 septembre 1963 concernant la loi relative à la sécurité sociale et ses amendements</i>
Morocco	Private-sector salaried workers and apprentices in industry, commerce and agriculture; craftsmen; certain categories of fishermen; and pensioners whose children were born up to 300 days after the pension start date. Must reside in Morocco	<i>Dahir portant loi n° 1-72-184 du 27 juillet 1972 relatif au régime de sécurité sociale</i>
Tunisia	Private-sector employees, including casual and temporary workers; fishermen; members of agricultural cooperatives; employees of farms with 30 or more workers; students younger than age 28; and trainees of working age	<i>Loi n° 60-30 relative à l'organisation des régimes de sécurité sociale, Loi no 80-36 complétant la loi no 60-30 du 14 décembre 1960 organisant les régimes de sécurité sociale</i>

Source: SSA and ISSA (2017).

More than two thirds of 74 conditional and unconditional cash transfer programmes mapped by Machado et al. (2018) present a legal framework or a regulation. However, important cash transfer programmes, such as the *Programme National d'Aide aux Familles Nécessiteuses* (PNAFN—National Programme of Assistance to Needy Families) in Tunisia do not (yet) have a legal framework. For some programmes, such as *Shamel* in Sudan or the Palestinian National Cash Transfer Programme (PNCTP), legal frameworks are in the process of deliberation (ibid.).

Table 3 shows a selection of the region's main cash transfer programmes and their respective legal frameworks, when available. While many more programmes exist in the region, this selection is limited to cash benefits that are paid to poor and vulnerable families and excludes benefits that are paid only to specific groups, such as orphans, PwD (both analysed in a separate section below) or people affected by emergencies. It also excludes small-scale programmes, such as the ones offered by para-governmental organisations in Iran.<sup>48</sup>

The degree of consolidation of legal frameworks can vary significantly. *Takaful* and *Karama*, Egypt's flagship programme, for example, is 'only' grounded on an administrative decree issued by the Prime Minister, making it less immune against political manipulation and changes in the government. Zaki (2017, 50) further criticises: "The fact that the Egyptian government launched the scheme, *Karama*, through an administrative decree that includes another scheme, *Takaful*, undermines the independence that such an elders' pension is supposed to enjoy though the constitutional provision." Article 83 of the Constitution stipulates that the State shall provide elderly people with an appropriate pension to ensure them a decent standard of living.

About half of the cash transfers that are conditional on school attendance or enrolment<sup>49</sup> were found to have a legal framework. Examples include the *Allocation Spéciale de Scolarité* (Allowance for School Children) in Algeria. However, significant gaps exist for some of the region's major programmes: neither the *Tayssir* programme in Morocco, the PNAFN's *Programme d'Allocations Scolaires* (PPAS, the PNAFN's education benefit programme) nor the Back-to-School Education Benefit in Tunisia were found to have a legal framework.

**Table 3. Cash transfer schemes for poor and vulnerable families**

Country	Programme	Programme type	Legal framework
Algeria	<i>Allocation Forfaitaire de Solidarité</i>	UCT	Decree No. 94-336 of 24 October 1994
Algeria	<i>Allocation Spéciale de Scolarité</i>	CCT	Presidential Decree No. 01-238 of 19 August 2001
Bahrain	Social Assistance Scheme	UCT	Law No. 18 for year 2006
Bahrain	Financial Compensation	UCT	Royal Decree No. 25 of 2013
Djibouti	PNSF	UCT	<i>Décret n°2015-279/PR/SESN</i> : creates PSNF and sets the organisational mechanisms for the programme's functioning. <i>Décret n°2017-096/PR/SEAS</i> : modifies <i>Décret n°2015-279/PR/SESN</i>
Egypt	<i>Takaful and Karama</i>	CCT/UCT	Prime Ministerial Decree No. 540 of the year 2015
Egypt	Social Solidarity Pension	UCT	Law No. 137 of 2010, Social Solidarity Law, Executive Regulations 451 of 2010, Ministerial Decree 186 of 2015
Iran	Targeted Subsidies Reform Act	UCT	Targeted Subsidy Reform Law
Iraq	Social Protection Network	UCT	Social Protection Law No. 11 of 2014
Jordan	National Aid Fund	UCT	National Aid Fund Law No. 36 (1986)
Jordan	National Zakat Fund		The first <i>zakat</i> collection law was issued in 1944; this law remained valid until the issuance of the Zakat Fund Law in 1978 and Law No. 8 of 1988, which gave the NZF financial and administrative independence
Kuwait	General Assistance	UCT	Decree No. 22 of 1978, Law No. 11 of 2012; Decree No. 23 of 2013
Kuwait	Zakat Fund	CCT	Act No. 5 of 1982
Libya	Family Allowance	UCT	Law No. 27 of 2013 on Allowances for Children and Wives
Morocco	Tayssir	CCT	
Morocco	Fond d'entraide Familiale	UCT	Law No. 41-10 Official Bulletin no. 5904 bis 24 Moharrem 1432 (30 December 2010); p. 2232. DAHIR No. 1-10-191, 7 moharrem 1432 (13 December 2010)
Morocco	<i>L'Appui Direct aux Femmes Veuves</i>	UCT	Decree No. 2.14.791 of 11 SAFAR 1436 (4 December 2014) determining the conditions and criteria of eligibility, Official Bulletin No. 6318 (18 December 2014)
Oman	Social Security Benefits	UCT	Royal Decree 84/87 Issuing the Social Security Law (1984)
Oman	Social Aid Services and Emergency Assistance	UCT/CCT	Ministerial Decree 72/2014; Royal Decree 84/87 issuing the Social Security Law, from 1984
Qatar	Social Insurance	UCT	Social Insurance Law No. 38 (1995)
Qatar	Zakat Fund	UCT/CCT	Act. No. 8 of 1992
Saudi Arabia	Household Allowance (Citizens Account)	UCT	
Saudi Arabia	Supplementary Support Programme	UCT	Royal Decree No. M/45 of 2006 issuing the Social Security Law
SOP	PNCTP	UCT	



Country	Programme	Programme type	Legal framework
SOP	Zakat Fund	UCT	Status unclear. In 2008, a new law on <i>zakat</i> was approved in Gaza by the Palestinian Legislative Council. Given the political division of Gaza and the West Bank, the status of the legislation remained unclear. In 2013 a new Zakat Law was drafted and submitted to the Council of Ministers.
Sudan	<i>Shamel</i>	UCT	A legal framework has not yet been finalised.
Sudan	Zakat Fund	UCT	Zakat Act of 2001. New amendments to <i>zakat</i> law are being discussed.
Syria	NASF	UCT	NASF decree of January 2011
Syria	Social protection schemes for children with complex disabilities (funded by UNICEF)	UCT	
Tunisia	PNAFN	UCT	
Tunisia	PPAS	CCT	
UAE	Monthly Cash Benefit	UCT	Social Assistance Act: Federal Law No. 2 of 2001; Cabinet Decision No. 21 for 2005 and No. 14 for 2008 (regarding the values of social assistance)
Yemen	SWF	UCT	Law No. 39 of 2008

Note: CCT = conditional cash transfers; UCT = unconditional cash transfers.

Source: Authors' elaboration based on Machado et al. (2018).

### 3.3 In-kind transfers and housing programmes

ILO (2012) Recommendation No. 202 includes in-kind transfers as one form of benefit that can help achieve social protection floors. It highlights that the type and combination of benefit should be chosen depending on the national context (para. 9). Most in-kind transfers in the MENA region are food transfer schemes. One of the biggest of its kind is Iraq's PDS, which reached more than 90 per cent of all Iraqi households in 2016 (IMF 2015). The programme was initiated in response to the economic sanctions imposed on Iraq in 1990. However, no consolidated legal framework was identified, showing a major gap in this regard.<sup>50</sup> In Sudan, the legal framework for the newly established integrated programme for social support (*Shamel*) has not yet been finalised; however, implementation is currently taking place in nine states (Machado et al. 2018).

#### In-kind transfers

Ten out of 16 in-kind transfer schemes (unconditional and conditional) in MENA<sup>51</sup> were found to have a legal framework (see Table 4). Especially those food transfer programmes that are supported by international donors are often not anchored in a legal framework. This includes the General Food Distribution Programme in Djibouti, the Food Basket programme in Libya and the Food Assistance Programme in the SOP. The absence of a legal framework can be partially explained by the fact that they were initially designed to respond to humanitarian emergencies, and were not necessarily planned to be in place for a longer period of time.

#### School feeding programmes

In its guidelines to a rights-based approach to legislative reform, UNICEF (2007) emphasises that legislation needs to address the removal of direct and indirect barriers that can impede access to education. Against this background, school feeding programmes can help promote access to education.

In total, 13 nationally owned school feeding programmes were mapped in the region (Machado et al. 2018) (see Table 4).

Fewer than half of these (five) were identified to have a legal framework: in Algeria, Iran (three different programmes) and Tunisia. However, no legal framework was found for the school feeding programmes in Egypt, Jordan, Kuwait, Morocco, Qatar or Saudi Arabia. In Sudan, school feeding is now a component of the newly created *Shamel* programme.

In Algeria, school feeding is one of multiple social protection programmes that help increase children's access to education. The Education Act (*Loi n° 08-04 2008 portant loi d'orientation sur l'éducation nationale*) emphasises that in addition to the right to equal access to education (Art. 11), poor children are to be supported through scholarships, school supplies, food, accommodation, transportation and health care (Art. 13). In addition to school feeding, the government offers the *Allocation Spéciale de Scolarité*, scholarships and two in-kind school material transfer programmes.

**Table 4. In-kind transfer schemes**

Country	Programme	Programme type	Legal framework
Algeria	<i>Fournitures Scolaires</i>	CIK	Law No. 08-04 of 23 January 2008
Algeria	<i>Manuel Scolaire</i>	CIK	Law No. 08-04 of 23 January 2008; Executive Decree No. 17-42 of 19 January 2017
Algeria	<i>Cantines Scolaires</i>	SFP	Decree No. 65-70 of 11 March 1965; Reference to School Feeding in Law No. 08-04 of 23 January 2008; Executive Decree No. 17-42 of 19 January 2017
Djibouti	General Food Distribution Programme	UIK	
Djibouti	National School Feeding Programme	SFP	
Egypt	School Feeding Programme	SFP	
Iran	Free milk distribution in schools	SFP	Cabinet ratification 1387
Iran	Free milk distribution in kindergartens	SFP	Cabinet ratification 1387
Iran	One hot meal in rural child-care centres	SFP	Executive guidelines of food poverty reduction plans for low-income families 1389
Iraq	PDS	UIK	
Jordan	National Zakat Fund	UIK	The first <i>zakat</i> collection law was issued in 1944; this law remained valid until the issuance of the Zakat Fund Law in 1978 and Law No. 8 of 1988, which gave the NZF financial and administrative independence
Jordan	Food Security Programme	UIK	
Jordan	National School Feeding Programme	SFP	
Kuwait	Zakat Fund	UIK	Act No. 5 of 1982
Kuwait	School Feeding Programme	SFP	
Lebanon	E-NPTP	UIK	The NPTP was officially established as an 'Emanating Project' by a ministerial decree which legislates the programme.
Libya	Food baskets	UIK	
Morocco	<i>Initiative Royale un million de cartables</i>	CIK	
Morocco	<i>Cantines Scolaires</i>	SFP	
Oman	Social Aid Services and Emergency Assistance	UIK	Ministerial Decree 72/2014; Royal Decree 84/87 Issuing the Social Security Law, from 1984
Qatar	Zakat Fund	UIK	Act. No. 8 of 1992
Qatar	School Feeding Programme	SFP	



Country	Programme	Programme type	Legal framework
Saudi Arabia	School Feeding Programme	SFP	
SOP	Zakat Fund	UIK	Status not clear. In 2008, a new law on <i>zakat</i> was approved in Gaza by the Palestinian Legislative Council. Given the political division of Gaza and the West Bank, the status of the legislation remained unclear. In 2013, a new Zakat Law was drafted and submitted to the Council of Ministers.
Sudan	<i>Shamel</i>	UIK/SFP	
Sudan	Zakat Fund	UIK	Zakat Act of 2001. New amendments to <i>zakat</i> law are being discussed.
Tunisia	National School Meals Programme	SFP	<i>Loi d'orientation de l'éducation et de l'enseignement scolaire</i> (2002) [Act on Education and Schooling, mandating the Ministry of Education with school feeding]

Note: UIK = unconditional in-kind transfers; CIK = conditional in-kind transfers; SFP = school feeding programmes

Source: Authors' elaboration based on Machado et al. (2018).

## Housing

Social housing programmes can be key to guaranteeing children's right to an adequate standard of living.

Of 12 housing programmes mapped, 7 were found to have a legal framework (see Table 5).<sup>52</sup> The Algerian housing programme (*Logement Public Locatif*) stands out here. It targets low-income families and, therefore, contributes towards achieving Article 73 of the Constitution, which provides that the State should encourage the construction of houses. It is envisaged that 40 per cent of the housing is provided to youth under 35 (Government of Algeria 2015). However, for other relevant housing programmes, no legal framework could be identified. In Bahrain, Article 9f of the Constitution foresees that the State shall endeavour to provide housing for citizens with limited income. While the Social Housing Programme plays an important role in providing housing for low-income Bahraini households (Government of Bahrain 2017), no legal framework could be identified for the programme.

**Table 5. Housing programmes in MENA**

Country	Programme	Name of law/decree
Algeria	<i>Logement Public Locatif</i>	Executive Decree No. 08-142 of 11 May 2008
Bahrain	Social Housing Programme	
Egypt.	Social Housing Fund	Social Housing Law 33 of 2014
Jordan	Housing for the Poor	
Kuwait	Housing Welfare	Law No. 47 of 1993 Concerning Housing Welfare [47/1993]
Kuwait	General Assistance	Decree No. 22 of 1978; Law No. 11 of 2012; Decree No. 23 of 2013
Libya	Financial and social support provided by the Social Security Fund	Law No. 20 of 1998 on the Social Security Fund
Oman	Social Aid Services and Emergency Assistance	Ministerial Decree 72/2014; Royal Decree 84/87 issuing the Social Security Law, 1984
Qatar	Food, fuel and housing subsidies	
Sudan	<i>Shamel</i>	
UAE	Temporary Housing Benefit	
UAE	Sheikh Zayed Housing Programme	Federal Law No. 10 of 2009 on the Sheikh Zayed Housing Programme

Source: Authors' elaboration based on Machado et al (2018).

### 3.4 Health protection programmes

Social protection plays an important role in protecting people against health risks, which tend to be among the major risks in people's lives and a frequent cause of poverty. Children's access to good-quality health care is particularly relevant in fighting preventable maternal, newborn and child deaths and in ensuring their health and well-being. Access to adequate health is a fundamental right enshrined in several human rights instruments (UNDHR Art. 25, ICESCR Art. 12, CRC Art. 24, ICERD, Art. 5e, CEDAW Art. 12, 14). ILO (2012) Recommendation 202 also includes access to health care as one of the basic components of national social protection floors (para. 5a), emphasising that people in need "should not face hardship and an increased risk of poverty due to the financial consequences of accessing essential health care" (para. 8c).

Most countries in the MENA region still face significant challenges in expanding coverage and providing quality health care service. Moreover, out-of-pocket expenditures are increasing in the region, limiting people's ability to spend income on other life necessities (Asbu, Masri, and Kaissi 2017). Some countries, however, have made considerable efforts towards achieving universal health coverage.

In Sudan, for instance, the government has set a target to increase the coverage of the National Health Insurance Fund (NHIF) to 80 per cent of the population by 2020, giving higher priority to the inclusion of poor people (NHIF 2017). In 1996, health care insurance contributions became compulsory for those in the formal sector (those in both government and private-sector employment). The NHIF is regulated by the National Health Insurance Fund Law of 2001 and its amendments and relies on the Ministry of Finance and National Economy and the Zakat Fund to pay the health insurance premiums of the non-compulsory population. The NHIF's target is to increase coverage of the non-contributory population (the informal sector) by 3 per cent per year (Kjellgren et al. 2014). In 2016, almost half of the population (43.8 per cent, 16.41 million individuals) were covered through the scheme, more than half of whom (8.78 million) were classified as poor (NHIF 2017).

When analysing the legal frameworks of a selection of non-contributory health insurance and health benefits (understood here as benefits providing free access to certain services), eight out of nine programmes analysed were found to have a legal framework (see Table 6).<sup>53</sup> In Tunisia, where efforts have been made to increase health protection coverage, AMG I offers a total exemption of fees for the use of health services at public health centres for those benefiting from PNAFN, the unconditional cash transfer programme for people who are unable to work due to old age, disability or chronic disease, and those who cannot be supported by their families. However, not all these criteria have to be met for the family to be eligible for the programme, leaving an element of discretion to social workers (World Bank 2016b). The AMG programme is based on Law No. 91-63 of 1991, which mandates that the State shall guarantee free access or reduced tariffs for low-income groups to public health care services under the AMG. In addition, Article 35 of the law stipulates that "all preventive health services offered in public facilities devoted to individuals or the population are to be provided free of charge to all Tunisian citizens, regardless of income group" (Arfa and Elgazzar 2013, 6). However, only in 1998, through Decree No. 1998-409, were the conditions and procedures for this scheme established, including two types of family assistance: free access (AMG I) and reduced tariffs for the lowest-income groups (AMG II). For a more detailed analysis of Decree No. 1998-409 (see also Section 4).

In Algeria, employed persons receive cash and medical benefits under the social insurance laws of 1983 and 2011.<sup>54</sup> The latter is extended to some additional groups, including persons with at least a 50 per cent assessed degree of disability, unemployed students and their dependents, and social assistance beneficiaries<sup>55</sup> (SSA and ISSA 2017).

In Egypt, the Inclusive Healthcare System Law was approved in December 2017. Article (2) of Chapter One states that "the inclusive health insurance system is compulsory and is based on social solidarity, and its umbrella covers every citizen who is contributing to the system. The State shall shoulder the responsibility of paying for those who are—financially—incapable based on a decision from the Prime Minister that defines the regulations for the exemption" (own translation). The law aims to unify multiple health insurance systems in place and to expand coverage of health protection services to poor people (Gad 2017).

**Table 6. Health protection programmes in MENA**

Country	Programme	Legal framework
Algeria	Non-contributory health insurance	<i>Loi n° 83-11 du 2 juillet 1983 relative aux assurances sociales</i> and <i>Loi n° 11-08 du 5 juin 2011 modifiant et complétant la loi n° 83-11 du 2 juillet 1983 relative aux assurances sociales</i> ; Art. 16 of <i>Décret exécutif n° 94-336 du 24 octobre 1994</i> ; Art. 4 of <i>Décret exécutif n° 09-305 du 10 septembre 2009</i>
Djibouti	<i>Programme d'Assistance Sociale de Santé</i>	2014 Legislation for Universal Health Insurance
Egypt	Social Pension Health Care Programme/ Health Insurance for the Poor	Inclusive Healthcare System Law of 2017
Iran	Nomads and Social Insurance Fund	
Jordan	Civil Insurance Programme	The Civil Health Insurance System and its amendments No. 83 of 2004
Lebanon	E-NPTP (health fee waivers)	The NPTP was officially established as an 'Emanating Project' by a ministerial decree which legislates the NPTP as an official unit within the Ministry of Social Affairs.
Morocco	RAMED	2002 Law on Basic Health Coverage – Law n° 65-00, on the Dahir n° 1-02-296 (3 October 2002); Decree n° 2-08-177 (September 2008) and Decree n° 32-11-199 (September 2011), relating to the medical assistance scheme; Joint Decree n° 836-08 (September 2008) from the Minister of Interior, Ministry of Economy and Finances and Ministry of Agriculture on calculating the score for RAMED; Joint Decree n° 5911 (January 2011) from the Minister of Interior, Ministry of Economy and Finances and Ministry of Health on the expansion of RAMED
Sudan	Fee Waiver for Health Insurance for Poor Families (funded by the Zakat Fund and the MoFNE)	The National Health Insurance Fund Law of the year 2001 and its amendments
Tunisia	AMG	Law No. 91-63 of 29 July 1991; Decree No. 1998-409 of 18 February 1998, which establishes the conditions and procedures for this scheme, including two types of family assistance: free access and reduced tariffs for lowest-income segments; Ministry of the Interior Circular No 12 of 27 May 2011 and Circular of the Ministry of Social Affairs No. 3 of 27 May 2011, which define the family eligibility criteria for AMG I

Source: Authors' elaboration based on Machado et al. (2018).

### 3.5 Programmes targeted at vulnerable children

#### Children on the move

The MENA region has been witnessing a dramatic increase in the number of IDPs and refugees. Conflict and violence have deeply affected some countries in the region, leaving millions of people in need of humanitarian assistance, as in the case of Iraq, Sudan, Syria and Yemen. The support to refugees and IDPs consists mainly of short-term and *ad hoc* assistance to meet their most urgent needs on arrival, including basic subsistence support, some form of accommodation and access to basic services. In Libya, Syria and Yemen existing national social safety net structures have suspended their operations, and humanitarian programmes now play a key role in providing assistance to the population. These programmes are to a large extent financed by external donors and implemented by international

organisations, such as the United Nations High Commissioner for Refugees, the World Food Programme and UNICEF. In some cases, these programmes make use of existing government structures, and a handover to public authorities is planned for the future. The SWF in Yemen, for instance, was discontinued due to the conflict and a lack of funds (including the interruption of donor funds) in 2015. The suspension has left 8–9 million people without social protection support. In May 2017, the World Bank and UNICEF launched the Yemen Emergency Crisis Response Project Second Additional Financing (AF2) using the database of the SWF to target assistance to 1.5 million families across the country (World Bank 2017a).<sup>56</sup>

None of the programmes mapped in Machado et al. (2018) explicitly target refugee or internally displaced children. However, a few of the national social protection programmes cover refugees and/or IDPs, such as the General Food Distribution Programme in Djibouti, which provides a monthly food ration to refugees and poor households in rural communities in the country's most vulnerable areas. The rights of refugees in Djibouti were also reaffirmed in the recently established Refugee Statute,<sup>57</sup> which makes explicit that refugees and asylum seekers have the right to social assistance (Art. 14). In Libya, food baskets are provided to the food-insecure population, while priority is given to IDPs (WFP 2015). Yet in neither Djibouti nor Libya are the programmes enshrined in legal frameworks.

Zakat Funds usually do not establish a nationality criterion for benefit eligibility, as programmes are directed at the eight categories listed in the *Quran*, including those who are poor or needy and wayfarers.<sup>58</sup> The Zakat Fund Law No. 8 of 1988 in Jordan, for example, does not limit the distribution of benefits to Jordanian nationals. Yet a recent analysis by Röth, Nimeh, and Zanker (2017) found no evidence of refugees accessing transfers under this scheme.

Few if any of the programmes anchored in a legal framework explicitly cover non-nationals. Iraq Social Protection Law No. 11 of 2014 provides an exception here, as it spells out that it covers all legal permanent residents (Art. 1). Moreover, Article 28 states that the provisions of the law also apply to Palestinians residing in Iraq since 1948. However, the law does not refer to Palestinian refugees of the second wave of displacement in 1967 or refugees from other countries. Discussions are going on to include also refugees of other nationalities.<sup>59</sup> The Refugee Act (Law No. 51 of 1971) also recognises the right of refugees to access social services and monthly welfare allowances. However, in practice, the majority of refugees and asylum seekers in Iraq do not have access to the services stated by the law (SP-Fragility-Displacement 2017).

In Jordan, children under the age of 6 are covered in the Civil Insurance Programme through Article (27) of Civilian Health Insurance Law No. 83 of 2004, which was also confirmed in the Ministry of Health's 2018–2022 Implementation Plan (Government of Jordan 2018). The Special Instructions for Treatment of Ex-Gazans in Public Health Centers & Hospitals (from 2014) state that Ex-Gazan children are also included in the scheme.<sup>60</sup> In the past, Syrian refugees with Ministry of Interior service cards were treated in the same way as insured Jordanians, allowing them to access health care in Ministry of Health facilities for free. However, this regulation ended in November 2014 (JIF 2018).<sup>61</sup> Against the background of Syrian refugees' reduced access to health care in Jordan, a recent study developed by UNICEF Jordan (Shepard et al. 2017) has calculated the costs of including them in the CIP scheme.

A study on Palestinian and Syrian refugees in Lebanon by the Danish Institute for International Studies (DIIS 2016, 5) highlights that "Palestine refugees have experienced a decrease in services, and they see themselves somehow forgotten in the Syrian refugee crisis." The examples of Jordan, Lebanon and the SOP show that the refugee's country of origin can play a role in access to services, highlighting the need to strengthen legislation on national programmes in this regard.

## **Children with disabilities**

CwD tend to be one of the most marginalised and excluded groups in need of social protection. Yet little information is available on the provision of social protection benefits to CwD in MENA. Little is also known in terms of the additional

expenditures that families with CwD face. This information, however, is crucial, especially when considering the ongoing wars and conflicts in the region and their profound impact on children.<sup>62</sup>

ESCWA (2017) finds that PwD are strongly underrepresented among the population covered by contributory social protection schemes in the Arab region, while coverage of non-contributory schemes is more varied.<sup>63</sup> While most countries in the region have laws on the rights of PwD, these are commonly concerned with rights in the areas of health or education. An exception is the UAE's Federal Law No. 29 of 2006, which emphasises that special needs should not be a barrier to access welfare services. Morocco's 2016 law on the protection of PwD<sup>64</sup> stipulates that there is no age limit for CwD to receive benefits under the social insurance system paid to the child's parents (Art. 4). It also provides that the State shall establish a regime of social support for heads of poor households with members with disabilities (Art. 6). In addition, poor PwD should benefit from social housing programmes (Art. 7).

Looking at the region as a whole, it can be observed that several non-contributory social protection programmes exist targeting PwD. Out of 41 non-contributory social protection programmes that target people (adults and/or children) with disabilities, 29 have a legal framework (based on Machado et al. 2018). The majority are cash transfer programmes; in most cases, PwD are included among other target groups (i.e. widows, people with a chronic illness etc.). Only seven programmes exclusively target PwD, including the Disability Card in Lebanon, which gives access to a number of services, including health care and education (see Box 4). Other programmes include the Disability Welfare and Rehabilitation Fund in Yemen.<sup>65</sup>

#### Box 4. Lebanese Law on the Right of Persons with Disability

The Lebanese Law on the Right of Persons with Disability (220/2000) was adopted several years before the Convention on the Rights of Persons with Disabilities in 2006. The law aims to integrate PwD into social and economic life, through employment, transport and housing quotas, and guarantees health and educational services. The law is considered one of the most progressive of its kind in the Middle East; it stands out for advancing the right of PwD to political participation (UNESCO 2013).

However, implementing decrees are needed to translate the norms established in the law into policies. Lakkis and colleagues (2015) have noted that the delay in its implementation is partially linked to financial austerity and the lack of political will. They also identify difficulties in obtaining access to information on rights and services for PwD as one of the main challenges to holding the government accountable when it fails to live up to its commitments (ibid.).

The law also established the Personal Disability Card (for a detailed discussion, see Section 4). About 13,000 children are cardholders, and an additional 3,000 children received a Temporary Learning Disability card which makes them eligible to receive special education from non-governmental organisations contracted by the Ministry of Social Affairs (UNICEF 2016). However, the Committee of the Rights of the Child (2017) has criticised the lack of financial assistance and other support services to families of CwD in the country.

Some programmes target only working-age PwD, such as the *Programme pour la Promotion et Insertion des Personnes Handicapée* (Financial Assistance to People with Disabilities) or the *Allocation Forfaitaire de Solidarité* (Solidarity Allowance) in Algeria, which explicitly state that beneficiaries have to be over 18 years of age.

One major weakness is that most programmes that target PwD do not specify an age range to receive benefits. In most cases, it is not clear whether children are eligible or not for the benefit, highlighting a clear gap in legislative frameworks and regulations protecting CwD's rights.

Fourteen programmes explicitly include CwD (see Table 7). Examples include Syria, where UNICEF has started implementing humanitarian cash transfers targeted at CwD in cooperation with the Ministry of Social Affairs and Labour and the Directorate of Social Affairs. The *Appui Direct aux Femmes Veuves* programme on Morocco targets widows with dependent children. For CwD no age limit is applied (ONDH, Ministère du Développement Social and UNICEF 2017).

**Table 7. Programmes for children with disabilities**

Country	Name of programme	Legal framework
Iraq	Social Protection Network	Social Protection Law No. 11 of 2014
Jordan	Recurring Cash Assistance (National Aid Fund)*	National Aid Fund Law No. 36 of 1986
Jordan	Physical Rehabilitation Cash Assistance (National Aid Fund)*	
Jordan	Handicapped Care Cash Assistance (National Aid Fund)	
Jordan	Health Insurance Card (National Aid Fund)*	
Lebanon	Personal Disability Card*	Law No. 220 of 2000
Syria	Cash Transfers to People with Disabilities*	Legislation No. 34 of 2004 regarding People with Disabilities
Yemen	Disability Welfare and Rehabilitation Fund*	Law No. 2 of 2002, creating the Welfare and Rehabilitation Fund for People with Disabilities
Algeria	<i>Allocation Spéciale de Scolarité</i>	Presidential Decree No. 01-238 of 19 August 2001
Algeria	<i>Fournitures Scolaires</i>	Law No. 08-04 of 23 January 2008
Algeria	<i>Manuel Scolaire</i>	Law No. 08-04 of 23 January 2008; Executive Decree No. 17-42 of 19 January 2017
Morocco	<i>L'Appui Direct aux Femmes Veuves</i>	Decree No. 2.14.791 of 11 SAFAR 1436 (4 December 2014) determining the conditions and criteria of eligibility, Official Bulletin No. 6318 (18 December 2014)
Syria	Social protection schemes for children with complex disabilities (funded by UNICEF)	
UAE	One-time Benefit (for low-income families living in Dubai who have CwD)	

Note: \*PwD above the age of 18 are also eligible for the programme.

Source: Authors' elaboration based on Machado et al. (2018).

## Orphans

The MENA region is characterised by a relatively high prevalence of financial support programmes for orphans, compared to cash transfer programmes that target families with children in general. The importance of helping orphans is also repeatedly stated in the *Quran* (ESCWA 2015); in fact, most countries in the region have social protection programmes for orphans in place. It should be noted here, however, that the word 'orphan' in Arabic (*yateem*) refers only to those children who have lost their father (IHH 2014).<sup>66</sup> Therefore, programmes that target *yateems* in fact often support female-headed households, as is also the case of the *zakat*-funded orphan sponsorships in the SOP (ESCWA 2015).

It can be further noted that in all countries where constitutions explicitly mention that social assistance shall be provided to orphans, at least one programme that includes orphans as a target group is available (see Table 8).

**Table 8. Countries that have constitutional provisions specifying social assistance to orphans and programmes that include orphans among their target group**

Country	Articles in constitution that mention social assistance to orphans	Relevant programmes for orphans
Bahrain	Art. 5c	Reduction of Electricity and Water Fees, Financial Compensation, Social Assistance Scheme
Iran	Art. 29	Programmes Providing Support to Orphans from the Imam Khomeini Relief Committee and Social Welfare Organization
SOP	Art. 45	Zakat Fund, DEEP, Protection, care and rehabilitation of marginalised and vulnerable groups
Syria	Art. 22{1}	NSAF

Source: Authors' elaboration based on Machado et al. (2018).

In general, it is positive to note that more than 20 programmes supporting orphans are regulated by some form of legal framework (see Table 9).

In the SOP, three programmes target orphans, either exclusively or as one target group among others. This focus on orphans matches Article 45 of the Basic Law of 2003, which includes orphans as one of the vulnerable groups that shall receive support from the State. The orphan sponsorship programme is the largest of all programmes funded by the Zakat Fund, reaching 20,505 orphans between 2007 and 2011 (ESCWA 2015). The Deprived Families Economic Empowerment Programme (DEEP) provides start-up grants for economically deprived and socially marginalised Palestinian families, including households with orphans. The programme 'Protection, care and rehabilitation of marginalised and vulnerable groups', which offers in-kind transfers, rehabilitation, training, vocational education, day-care and protection services, also includes orphans as one of its target groups (Machado et al. 2018). Yet neither of the latter two programmes is enshrined in a legal framework.

**Table 9. Social protection programmes including orphans among the target groups**

Country	Programme	Benefit type	Name of law/decre
Algeria	<i>Allocation Spéciale de Scolarité</i>	CCT	Presidential Decree No. 01-238 of 19 August 2001
Algeria	<i>Fournitures Scolaires</i>	CIK	Law No. 08-04 of 23 January 2008
Algeria	<i>Manuel Scolaire</i>	CIK	Law No. 08-04 of 23 January 2008 Executive Decree No. 17-42 of 19 January 2017
Bahrain	Social Assistance Scheme	UCT	Law No. 18 for year 2006
Bahrain	Reduction of Electricity and Water Fees	SUB	Royal Decree issued on 1999
Bahrain	Financial Compensation	UCT	Royal Decree No. 25 of 2013
Egypt, Arab Rep.	<i>Karama</i>	UCT	Prime Minister Decree No. 540 of 2015
Iran	Support to Orphans in the Ekram Plan (Iman Khomeini Relief Foundation)	UCT	Imam Khomeini Relief Committee Statute 1979; Law on support for women and orphans 1992
Iran	SWO's Allowance to Foster Families	UCT	Law on support for women and orphans 2006



Country	Programme	Benefit type	Name of law/decree
Iran	SWO's Allowances to Orphans	UCT	Law on support for women and orphans 2006; Specialised instruction of care for children under the coverage of SWO 2009
Iraq	Social Protection Network	UCT	Social Protection Law No. 11 2014
Jordan	National Aid Fund – Recurring Cash Assistance/Health insurance card	HCB/CCT	National Aid Fund Law No. 36 (1986)
Jordan	National Zakat Fund – Orphan Cash Assistance/ Monthly Cash Assistance	UCT/UCT	Zakat Fund Laws (1988)
Kuwait	General Assistance	UCT	Decree No. 22 of 1978; Law No. 11 of 2012; Decree No. 23 of 2013
Kuwait	Zakat Fund	UCT	Act No. 5 of 1982
Morocco	RAMED	HCB	2002 Law on Basic Health Coverage – Law No. 65-00, on the Dahir No. 1-02-296 (3 October 2002)
Oman	Social Security Benefits (Monthly Cash Assistance Programme)	UCT	Royal Decree 84/87 Issuing the Social Security Law (1984)
Qatar	Social Insurance	UCT	Social Insurance Law No. 38 (1995)
Saudi Arabia	Household Allowance (Citizens Account)	UCT	
Saudi Arabia	Supplementary Support Programme	UCT	Royal Decree No. M/45 of 2006 issuing the Social Security Law
SOP	Deprived Families Economic Empowerment Programme (DEEP)	Start-up grants (UCT)	
SOP	Protection, care and rehabilitation of marginalised and vulnerable groups	UCT	
SOP	Zakat Fund	UCT	
Syria	NSAF	UCT	Decree establishing the National Fund for Social Assistance – Legislative Decree No./2011
UAE	Monthly Cash Benefit	UCT	Social Assistance Act – Federal Law No. 2 of 2001 Cabinet Decision No. 21 for 2005 and No. 14 for 2008 (regarding the values of social assistance).
Yemen	SWF	UCT	Law No. 39 of 2008

Note: CCT = conditional cash transfers; CIK = conditional in-kind transfers; HCB = health care benefits; UIK = unconditional in-kind transfers; SUB= subsidies

## 4. HOW ARE HUMAN RIGHTS PRINCIPLES ENshrINED IN PROGRAMMES' LEGAL FRAMEWORKS?

To guarantee compliance with human rights standards, legislation on social protection schemes should at a minimum:

- set out precise eligibility requirements;
- define the different roles and responsibilities of institutions involved in the scheme's implementation;
- envisage long-term financial resources for financing the scheme;
- establish accessible complaints and appeal mechanisms; and
- create participation channels for citizens.

In this section, 22 non-contributory social protection programmes regulated by a legislative provision or a regulation (such as a presidential decree) are analysed in more depth to investigate to what extent they comply with the human rights standards listed above. As outlined in Section 1, these criteria are presented in UNICEF's (2014) social transfers toolkit and are aligned with ILO's (2012) Social Protection Floors Recommendation No. 202.

This selection is limited to programmes providing cash transfers or health-care services, prioritising those programmes that target children or families with children, or whose benefit structure increases with the number of household members/children. At least one scheme was included for each of the 20 countries, except for the SOP (see Table 10 for the programmes included).<sup>67</sup> For Yemen and Syria, where the ongoing humanitarian crises have led to the suspension of most State-provided social protection schemes, the SWF and the National Social Aid Fund (NSAF), respectively, were considered. For a detailed overview of the legal instruments and articles analysed in this section, see Annex V.

**Table 10. Programmes selected for analysis**

Country	Programme	Legal instrument
Algeria	<i>Allocation Forfaitaire de Solidarité</i>	<i>Loi n° 02-09 du 8 mai 2002 Relative à la protection et la promotion de la personne handicapée and Décret exécutif fixant l'Allocation Forfaitaire de Solidarité</i>
Algeria	<i>Allocation Spéciale de Scolarité</i>	<i>Décret présidentiel no 01-238 du 19 août 2001 instituant une allocation spéciale de scolarité au profit des enfants scolarisés démunis</i>
Bahrain	Social Assistance Scheme	Provisions of Law No. 18/2006
Djibouti	PNSF	<i>Décret n°2015-279/PR/SESN du 11 octobre 2015 portant création, organisation et fonctionnement du Programme National de Solidarité Famille (PNSF); Décret n° 2017-096/PR/SEAS portant modification du décret n°2015-279/PR/SESN portant création, organisation et fonctionnement du Programme National de Solidarité Famille (PNSF)</i>
Egypt	Social Solidarity Pension	Law No. 137 for the year 2010 Social Solidarity Law; Executive Regulations 451 of 2010; Ministerial Decree 186 of 2015
Egypt	<i>Takaful and Karama</i>	Ministerial Decree No. 540 for the year 2015
Iran	Targeted Subsidy Reform Act	Targeted Subsidy Reform Law 2009



Country	Programme	Legal instrument
Iraq	Social Protection Network	Law No. 11 of 2014 on Social Protection
Jordan	National Aid Fund	Law of the National Aid Fund No. 36 of 1986; Instructions issued in 2015 under the provisions of Article (8 g) of the Law of the National Aid Fund No. 36 of 1986; Instructions issued in 2012 under the provisions of Article 8 (j) of the Law of the National Aid Fund No. 36 of 1986
Jordan	Civil Insurance Programme	The Civil Health Insurance System and its amendments No. 83 of 2004
Kuwait	General Assistance	Decree No. 23 of 2013 (General Assistance)
Lebanon	Disability Card	Law No. 220 of the Year 2000
Libya	Family Allowance	Law No. 27 of 2013 on Allowances for Children and Wives
Morocco	RAMED	<i>Décret n° 2-08-177 du 29 septembre 2008 portant application des dispositions du livre III de la loi n° 65-00 relatives au régime d'assistance médicale</i>
Oman	Social Security Benefits (Monthly Cash Assistance Programme)	Sultani Decree 84/87 Promulgating the Social Security Law (1984)
Qatar	Social Insurance	Law No. 38 of 1995 on Social Insurance
Saudi Arabia	Supplementary Support Programme	Royal Decree No. M/45 of 2006
Sudan	Zakat Fund	Zakat Law for the year 2001
Syria	NSAF	Decree establishing the National Fund for Social Assistance (2011)
Tunisia	AMG I and II	<i>Loi N° 87-29 du 12 juin 1987</i>
UAE	Monthly Cash Benefit	Federal Law No. 2 of 2001 regarding Social Welfare in the UAE
Yemen	SWF	Social Welfare Law No. 39 of 2008

Source: Authors' elaboration based on programme legal frameworks mapped.

## 4.1 Setting out precise eligibility requirements

ILO (2012, para. 7) Recommendation No. 202 emphasises that national laws and regulations shall clearly define the qualifying conditions for a benefit. For a programme to comply with the principle of non-discrimination, all eligibility criteria must be objective, reasonable and transparent (Transform 2017). Paragraph 6 of ILO Recommendation No. 202 further stipulates that states “should provide the basic social security guarantees defined for in the Recommendation to at least all residents and all children subject to international obligations.” As further shown below, this is of particular relevance in the GCC countries, which are home to a large number of migrant workers, who are usually ineligible for non-contributory social protection schemes.

Certain eligibility criteria are easier to verify than others. A person's age, for instance, is easier to prove than their income. The latter is important when the programme uses a means-tested targeting approach to identify families below a certain poverty threshold. Other ways to select poor people are proxy means tests or community-based or geographical targeting (when targeting particularly poor regions). Whichever targeting method is used, efforts should be made to make them as transparent and ‘shame-proof’ as possible. While community-based targeting carries the risk of exposing people to shame by publicly labelling them as ‘poor’, proxy means-testing may lack transparency, especially when complex formula are used (Transform 2017). In the MENA region, means-testing—either self-reported or verified—was found to be the most common mechanism used to select poor households. Proxy means-testing and community-based and geographical targeting are used less often (Machado et al. 2018).

Although all the legal frameworks reviewed stipulate which groups are eligible for the benefit (see Annex V), the exact criteria are often not specified. For instance, while many laws state that a given programme targets ‘poor households’ or ‘households with no income’, these categories are frequently not defined further. The law regulating the Social Insurance programme (unconditional cash transfer) in Qatar, for example, reads that “families in need” are entitled to the benefit (Art. 3), without further defining what establishes a family in need. Similarly, the Targeted Subsidy Reform Act in Iran states that cash shall be disbursed to heads of households “based on their income levels” (Art.7a). While the income threshold for receiving cash benefits is not specified, the Executive Bylaw of Article 7 states that the Ministry of Welfare and Social Services shall be responsible for categorising households based on their income levels.<sup>68</sup>

In Egypt, the Social Solidarity Pension, introduced in 1980, is being harmonised with *Takaful* and *Karama*, launched in 2015. Social pension beneficiaries are being evaluated in terms of poverty levels using the proxy means test applied to *Takaful* and *Karama*, and only a few of the groups defined in Law No. 137 of 2010 (Art.2), such as widows or divorced women, will continue under the Social Solidarity Pension.<sup>69</sup> However, this has not yet been established through a decree or a similar legal instrument.

The lack of a clear definition of beneficiary groups by law does not mean, however, that there are no mechanisms in place to define eligibility criteria. The law regulating the Zakat Fund in Sudan<sup>70</sup> defines the eligible groups rather vaguely, stating that “Zakat is to be spent on Sudanese citizens who are with low or no income” (Chapter IV, Art. 38). However, beneficiary selection relies on a means test based on data from a poverty census conducted in 2011 (Machado et al. 2018).

The National Aid Fund in Jordan provides an exception, since the eligibility criteria are not defined in the law that established the programme,<sup>71</sup> but, instead, Article 8 (g) of the law foresees that the Council of Ministers shall be entitled to issue the necessary instructions to determine the categories of aid, conditionalities, benefit levels and types of benefit to be provided by the Fund. The latest instructions from 2015 specifying Article 8 (g) specify the eligible groups as well as how income is estimated (Art. 12–28), making it clear to citizens how beneficiaries are selected.

The framework of Lebanon’s Disability Card<sup>72</sup> is another noteworthy example, as—unlike other programmes that target PwD—it clearly defines the different types of disability, which are also in line with the definitions used by the World Health Organization—namely, physical, visual, hearing and mental (Art. 2–4) (see also Lakki and Thomas 2015).

In Morocco, RAMED uses different eligibility criteria for urban and rural areas, which are clearly defined in the programme’s legal framework.<sup>73</sup> The *Programme National de Solidarité Famille* (PNSF) in Djibouti provides a similar case. In contrast to other schemes, the PNSF regulation from 2015<sup>74</sup> explicitly mentions that proxy means-testing is to be used in urban areas and community-based targeting in rural areas to select beneficiaries. Since September 2017, the programme has relied on the *Registre Social Unifié* (RSU—Unified Social Registry), established by *Décret n°2015-279/PR/SESN*. In 2017, the RSU counted 200,000 registered households (representing 25 per cent of the population) (Leite et al. 2017).

In Algeria, Article 2 of *Décret présidentiel no 01-238 du 19 août 2001* regulating the *Allocation Spéciale de Scolarité* details the groups of children that are eligible—namely, CwD, orphans, children who have become victims of terrorism, children of families at the end of their entitlements from the unemployment insurance system, and children of households with an income below DZD8,000.<sup>75</sup> Yet it also includes the categories ‘children of poor families’ and ‘children of families with no income’. In the case of the latter two, it is not clear how these are defined and how they are distinct from families earning less than DZD8,000.

In Iraq, Article 1 of Law No. 11 of 2014 regulating the social protection network states that Iraqi families and individuals as well as legal permanent residents of other nationalities are entitled to receive support when living in poverty and belonging to certain vulnerable groups, such as PwD, widows and orphans. The law also changed the targeting method used to identify eligible beneficiaries, replacing the previous broad categories with proxy means-

testing (World Bank 2017b). In addition, Article 28 stipulates that the law should equally apply to Palestinians residing in Iraq since 1948. The law does not mention refugees of other nationalities, although this is being discussed in the parliament.<sup>76</sup>

In the GCC countries,<sup>77</sup> all the laws analysed explicitly state that only nationals are eligible for social assistance schemes, thus breaking with the principle of non-discrimination by excluding families of non-citizens. Some exceptions are made though: in Saudi Arabia, non-Saudi women married to Saudi citizens, widows of Saudi citizens with children from them, and children of Saudi widows of non-Saudi husbands are eligible for the Supplementary Support Programme. Article 2 of Royal Decree No. M/45 of 2006 further reads: “This Law shall also apply to disabled persons, widows with orphans and orphans possessing no Saudi citizenship documents but bear travel documents in accordance with the conditions specified in the Regulations.” Similarly, in the UAE benefits are only paid to nationals residing within the UAE, but an exception is made for UAE national females married to expatriate husbands who cannot earn a living for reasons beyond their control.<sup>78</sup> These exceptions have to be seen against the background of strictly regulated citizenship rights in the GCC countries, which often stipulate that women married to non-nationals cannot confer citizenship onto their children.

In summary, while the legal frameworks regulating the main social protection programmes in the region usually define the beneficiary groups, few clearly spell out the precise eligibility criteria, thus hampering the programmes’ accountability and transparency. The lack of clear eligibility criteria can jeopardise human rights principles, as those excluded have little legal basis on which to claim their inclusion.

## **4.2 Defining the various roles and responsibilities of all those involved in the implementation of schemes**

Legal frameworks should provide a clear institutional structure for the implementation of social protection programmes. Here, each country’s particularities in terms of governance and management models should be taken into account, including different levels of (de)centralisation (Transform 2017). While the topic of decentralising the provision of social protection services has gained increased attention (Magheru 2010; Maiorano, Das, and Masiero 2018), the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO 2011, 27) states that “the principle of the overall state responsibility guarantees that the State cannot invoke administrative decentralization in order to avoid being held accountable for bad management or lack of ensuring effective protection under national social security schemes.”

The establishment of a coordinating body is essential for the effective implementation of a given programme. Moreover, to be able to hold authorities accountable, tasks and responsibilities need to be well defined. When programmes are developed and implemented by several institutions, the lack of clearly defined responsibilities can otherwise decrease the programme’s accountability and lead to fragmentation (Kaltenborn et al. 2017).

In fact, all the selected legal frameworks define the roles and responsibilities of the agencies involved in programme implementation (see Annex V for the relevant articles). However, the level of detail provided varies greatly across programmes.

For instance, Law No. 39 of 2008 regulating the SWF in Yemen provides a positive example, as it clearly defines the tasks of the Board of Directors (Article 24), the highest administrative authority of the Fund, in charge of supervision, guidance, policymaking and monitoring and evaluation. One of the Board’s tasks is to approve the allocations to the various governorates and districts in light of the national strategy for poverty alleviation. The Board includes several ministries as well as two non-governmental representatives—one from civil society and the other from the private sector.

In Syria, the decree establishing the NSAF (now defunct) also clearly defined the composition of the council and its responsibilities, which include *inter alia* approving the scheme's beneficiary categories, benefit levels and eligibility criteria.<sup>79</sup>

Iraq's Social Protection Law No. 11 calls for the establishment of a Social Protection Commission consisting of representatives from different departments, such as the Department of Social Protection and the Department of Social Protection of Women. The Commission is in charge of coordinating interventions with the respective ministries and authorities (Art. 9) and of overseeing the demographic targeting process, which is to be based on annually collected socio-economic data (Art. 6). In addition, Law No. 11 foresees that a Higher Committee for Social Protection is established, responsible for monitoring the work of the departments of social protection, which in turn are in charge of reviewing applications.

In contrast to the aforementioned examples, the roles and responsibilities of the institutions involved in Algeria's *Allocation Forfaitaire de Solidarité* are rather ill-defined, referring merely to the "ministry in charge of social protection and other ministries concerned" as those responsible for implementing the programme (Art. 19). Other programmes with similarly vaguely defined roles and responsibilities include the Civil Insurance Programme in Jordan,<sup>80</sup> for which the Ministry of Health is the sole authority responsible for implementation, and the Family Allowance in Libya,<sup>81</sup> whose agency in charge is the Ministry of Social Affairs.

Ideally, the coordinating body of a social protection programme should include the government, external funding agencies (when applicable) and civil society. The latter, however, is rarely represented: exceptions include the Board of Directors of the SWF in Yemen and Lebanon's National Council on Disability (which includes members of organisations representing PwD).<sup>82</sup> In Algeria, the president of the citizen's communal assembly and a representative of the parents' association have a seat on the commission of the *Allocation Spéciale de Scolarité*.<sup>83</sup>

Overall, the roles and responsibilities of most of the programmes analysed are well defined, which is important for enhancing coordination and transparency. However, the frameworks of some important programmes, such as the *Allocation Forfaitaire de Solidarité* in Algeria, *Takaful* and *Karama* in Egypt and RAMED in Morocco, could benefit from stating more clearly the responsibilities of the main stakeholders involved.

### 4.3 Articulating the long-term financial requirements

Legal frameworks are a relevant prerequisite to ensure long-term commitment and the allocation of adequate financial resources to social protection programmes (Sepúlveda and Nyst 2012). The long-term sustainability of social protection schemes is directly linked to the availability of adequate funding sources to prevent delays in payments or underfunding which may compromise programmes' accurate implementation (Transform 2017).

To achieve this, sustainable and gradual allocations based on sound financial planning are indispensable. Multi-year planning can further help avoid underfunding. ILO (2012, para. 11) Recommendation No. 202 urges Member States to consider a variety of methods to mobilise the necessary resources to ensure "financial, fiscal and economic sustainability of national social protection floors". Moreover, the Recommendation highlights that programmes should be preferably financed by national resources. Only countries whose economic and fiscal capacities are insufficient may complement national efforts through international cooperation and support (para. 12).

In addition, while it is essential that legal frameworks foresee a programme's long-term financial requirements, adequate financial risk management is crucial to ensure the regularity and predictability of benefits, especially in times of crisis. Moreover, when facing shocks, such as natural disaster or conflict, schemes should be able to draw on a contingency fund. Given the multiple crises in the region, which have also led to the suspension of social protection programmes, this a particularly important topic for MENA.<sup>84</sup>

Moreover, political will is a strong factor in determining public spending, and different interest groups within and outside the government play an important role in influencing budget allocations (Ortiz, Cummins, and Karunanethy 2017). Therefore, safeguarding larger social budgets and securing revenues for the implementation of social protection programmes goes beyond the creation of a legal provision and requires active measures to ensure compliance.

From 2010 to 2014, the economic decline resulting from deep political changes and the volatility of oil prices impacted several countries in MENA. Budget constraints and the decrease in government revenues have contributed to a shift in social protection spending from universal subsidy schemes to more targeted programmes, and in recent years countries such as Egypt, Iran, Jordan, Morocco, Tunisia and Yemen have undertaken substantial subsidy reforms (Verme and Araar 2017). In Iran, the Targeted Subsidy Reform Act foresaw that up to half of the resources from subsidies should be redirected to the population as health care, housing and social support. Yet they were mainly used for cash transfers, and other areas did not receive the funding predicted by the law (see Box 5).

### Box 5. Targeted Subsidy Reform Act in Iran

In line with the country's plans to redirect revenues from the removal of subsidies towards social protection initiatives, the Targeted Subsidy Reform Act of 2009 foresaw that three key social policy areas should be promoted:

*Article 7: The government is authorized to spend up to 50 percent of net proceeds resulting from the implementation of this law under the following items: cash and non-cash subsidies payable to all households countrywide, considering the level of household income;*

*Implementing a comprehensive social security system for the targeted population, such as:*

*(i) Providing and expanding social insurances, health care services, ensuring and enhancing public health, and medical coverage for special and difficult-to-cure diseases;*

*(ii) Providing assistance for financing housing costs, enhancing resistance of buildings, and creating employment;*

*(iii) Empowering and implementing social support programs.*

The costs of the cash transfers soon exceeded the revenues generated by the reform. According to the International Monetary Fund (IMF) (2014, 11), this deficit was a result of shortcomings in the law's implementation, "mostly related to the failure to impose budget discipline on high energy users as well as a higher number of households receiving higher cash transfers than originally planned". As a result, other areas predicted in the law did not receive resources from the reform. Zandian and colleagues (2016) have further criticised the fact that health-care financing has not seen a substantial change since the introduction of the Act, and coverage has not improved significantly since 2009.

The analysis shows that the source of funding of 13 programmes is specified in their legal frameworks, although with different levels of detail (see Annex V for the relevant articles). Some programmes stand out for their diversified funding mechanisms, such as Iraq's Social Protection Network Law No. 11 of 2014, which established a fund for financing the social assistance services provided in the law. The fund is financed through financial allocations from the federal budget, grants and donations, half of legacies in the case of the absence of a successor, 1 per cent of the profit of public enterprises, 0.0025 per cent deducted from state and government employees, the fund's investment revenue, and 1 per cent of tourism revenue.<sup>85</sup> In general, such a detailed description of the financial resources is rather uncommon in the legal frameworks in the region.

As envisaged in ILO (2012) Recommendation No. 202, para. 11 (1), social protection financing methods should also take into account "the contributory capacities of different population groups". Morocco's RAMEL programme<sup>86</sup> and

Tunisia's AMG<sup>87</sup> are both part of a larger insurance funds which also includes a contributory scheme. Thus, in addition to direct resources allocated by the government, contributions by those covered under the contributory scheme are also used to finance the non-contributory arm of the programme.

The legal frameworks of Yemen's SWF<sup>88</sup> and Djibouti's PNSF<sup>89</sup> explicitly mention the possibility of donor funding. However, while donor funding to the former was suspended due to the conflict which erupted in 2015, the latter has also seen significant funding challenges, leading to limited coverage. A too heavy reliance on external funding can be critical, as it has implications for policy legitimacy and sustainability over time. As stated by the European Parliament's Directorate-General for External Policies of the Union (2013, 8), "while external financing may be useful to launching a programme and/or supporting parts of its implementation, national ownership is central to securing programme legitimacy and continuity". Yet the example of Yemen also shows that external funding can play an important role when national social protection systems are used for humanitarian responses, as in the case of the Emergency Crisis Response Project, which is financed by the World Bank and uses design features and the database of the SWF (World Bank 2017a).

In summary, long-term financial requirements are usually not well defined in the legal frameworks of the programmes in the region. This presents a major gap, as it can curtail programmes' sustainability and the predictability of benefits.

#### **4.4 Establishing accessible complaints and appeal mechanisms**

Legal frameworks should include a clear complaints mechanism, proving citizens with access to instruments to hold governments and programme administrators accountable.

In short, complaints mechanisms are key for reviewing:

- eligibility for the programme;
- implementation and maintenance of the programme (i.e. to report inappropriate work, harassment, corruption);
- quality and quantity of the benefits; and
- supply-side constraints (especially when benefits are conditional upon the use of certain services).

The first—eligibility for the programme—is particularly relevant when a targeting method is used to identify beneficiaries, as discussed before, which includes the risk of unjustified exclusion of those who are eligible (Sepúlveda and Nyst 2012). Moreover, a strong grievance mechanism can contribute not only to increasing overall programme accountability and citizens' trust and involvement but also to solving operational problems and, consequently, can reduce the costs of solving them. In addition, it can help standardise the implementation and performance of a programme and fight corruption (Barca 2016). Sepúlveda and Nyst (2012) highlight that favourable relationships with local elites can be crucial to access benefits. Independent complaints mechanisms are, therefore, required to prevent any abuse of authority. The importance of strong complaints and grievance mechanisms is also emphasised in ILO's Convention No. 102 (Art. 70) and in Recommendation No. 202 (para. 7), which stipulate that complaints mechanisms should be free of charge, impartial, transparent, effective, simple, rapid and accessible.

Grievance procedures imply two stages of appeal: first, the claimant should be able to review the procedure within the institution and then, if the claimant is still unsatisfied, he or she should have access to a higher-level independent appeal body. These internal and external review bodies should be institutionally independent. A specialised tribunal should be in charge of handling the appeal. The advantage of specialised tribunals is that they can

handle disputes relatively swiftly and are less costly than normal courts, as they do not require the claimant to have a legal representative (Transform 2017). South Africa presents a well-established appeal system. The Social Assistance Act of 2004 provides for two stages of dispute resolution and foresees a specific appeal institution, the Independent Tribunal for Social Assistance Appeals (ibid.).

Reviewing the legal frameworks of the programmes in MENA reveals that half of all programmes (11 out of 22) do not make any mention of a grievance and complaints mechanism. This presents a critical gap, as a lack of clearly articulated and accessible complaints mechanisms makes it difficult for beneficiaries to exercise their right to appeal.<sup>90</sup>

The degree of detail in which complaints mechanisms are described varies significantly across programmes. Some frameworks stipulate that the exact procedures shall be regulated in additional executive regulations, such as in Bahrain, Djibouti, Egypt (Social Solidarity Pension) and Yemen. Saudi Arabia's Supplementary Support Programme has one of the most detailed legal frameworks in this regard, being also the only scheme that establishes two stages of review as well as a specific board of grievances: "A person whose application is denied, stipend reduced or terminated or is demanded to return benefits paid thereto may file a grievance with the committee referred to in Article 20 of this Law within (120) one hundred twenty days from the date of notification of relevant decision. Decisions of said committee may be appealed before the Board of Grievances within (60) sixty days from the date of notification of the person against whom the decision was rendered."<sup>91</sup>

About half of those programmes with a complaints mechanism specify the number of days within which the beneficiary can file his or her complaint, ranging from two weeks in Oman to four months in Saudi Arabia.<sup>92</sup> Article 10 of Iraq's Social Protection Law No. 11 of 2014 stipulates that the applicant can complain before the High Court of Justice within 30 days from the date of receiving the rejection decision. In case of rejection of the complaint, he or she can then appeal before the Administrative Court within 60 days from the date of rejection. Only the legal frameworks of the Social Security Benefits in Oman<sup>93</sup> and the Social Insurance in Qatar<sup>94</sup> also set a time-frame within which the responsible institution has to respond to the complaint (one month each in both cases). In Yemen<sup>95</sup> and the UAE<sup>96</sup> claimants have two months to file their complaints.

Instead of the recommended independent specialised institutions, in many programmes the appeal decision is up to the relevant Minister, challenging the principle of impartiality. This is the case in Oman, Qatar, the UAE and Yemen. In Algeria, Egypt, Iran and Saudi Arabia a committee consisting of various stakeholders is assigned with the task of receiving appeals. For the programmes in Oman and Qatar it is specified that the decision taken by the institution in charge of reviewing the case is final, pre-empting the possibility of a second review.

Evidence from the region shows that the implementation of grievance mechanisms established by law varies significantly. In Iraq, it is positive to note that the Ministry of Labour and Social Affairs introduced an appeal mechanism for those who were excluded from the Social Protection Network in accordance with Law No. 11. The process uses a text message (SMS) system to inform applicants about the decision (Ministry of Labour and Social Affairs 2016).

Although predicted by Article 8 of Law No. 137, Egypt's Social Solidarity Pension does not seem to have a functioning system in place for appealing against exclusion decisions. In 2017, the President of the Union of Civil Associations in Egypt demanded that the Minister of Social Solidarity open up the possibility of appeal, as 32,000 citizens were excluded from the scheme. He further highlighted the need to clearly inform citizens about the criteria and standards of the programme (Sada El-Balad News 2017).

In summary, complaints and grievance mechanisms are not very well established in most of the programmes assessed, and none of the frameworks analysed comply with all the criteria for a strong grievance and complaints mechanism based on international human rights standards.

## 4.5 Setting the foundations for participation channels for citizens

To ensure that citizens' rights (especially of the poorest) are respected and promoted, legal frameworks should include a section on beneficiaries' participation in the programme's design, implementation and evaluation. Participation mechanisms that are already built into the legal framework help promote a programme's social accountability. The participation of beneficiaries in the administration of social protection programmes has also been recommended by the Committee on Economic, Social and Cultural Rights (General Comment 19).<sup>97</sup>

Participation channels can take the form of supervisory bodies that include representatives of beneficiaries or civil society, as in the case of Brazil's *Bolsa Família* programme, where municipal governments and representatives of both local government and civil society are in charge of overseeing and monitoring the authorities responsible for selecting beneficiaries and implementing the programme (for an analysis of some of the main challenges of the supervisory bodies, see also Hevia 2011).

Only 3 out of 22 programme frameworks have a provision regarding beneficiaries' participation. Article 8 of Law No. 220 of 2000 regulating the Disability Card in Lebanon is exemplary here, establishing the National Council for Disability Affairs which shall include representatives of relevant civil society organisations as well as four PwD, each one representing one type of disability (physical, visual, hearing and mental). The Council has several tasks, including the preparation of public policies related to the affairs of PwD in coordination with the relevant sectors in the government, civil associations and non-governmental organisations (Art. 7). Yet, despite this progressive legislation, it has been noted that the Council frequently struggles to access information from other ministries (Lakkis, El-Sibai, and Thomas 2015) (see also Box 5 on Law No. 220 of 2000).

The legal framework of Algeria's *Allocation Spéciale de Scolarité* stands out, as the committee in charge of allocating the allowances includes representatives of children concerned.<sup>98</sup> In theory, this allows parents to bring forward suggestions in the name of their children. In Djibouti, participation by citizens is foreseen in several articles of *Décret n°2015-279/PR/SESN*, regulating the PNSF. First, the programme is meant to rely "on local communities and civil society organisations to ensure its ownership by beneficiaries" (Art. 2, own translation). Yet how exactly local communities will be involved is not further specified. In addition, Article 13 stipulates that beneficiaries in rural areas are selected through community-based targeting using the vulnerability criteria determined through a participatory process. Finally, Article 17 envisages that institutional communication between operational authorities and beneficiaries will be facilitated by the State Secretariat for National Solidarity and validated by the programme's steering committee.

Participation of beneficiaries is clearly one of the least well-established mechanisms in legal frameworks in the region, presenting a critical gap in terms of social accountability and citizens' participation in policymaking.

## 4.6 Summary of analysis

Analysis of the MENA region's major non-contributory social protection programmes shows that the degree to which their legal frameworks conform with human rights standards varies significantly. The majority of the legal frameworks analysed comply with only two or three of the criteria assessed. This includes important flagship programmes, such as Tunisia's AMG, Morocco's RAMED programme or Egypt's *Takaful* and *Karama* (see Table 11).

Only a few programmes stand out for having more comprehensive legal frameworks and for complying with at least four of the five criteria assessed. *Décret n°2015-279/PR/SESN* (modified by *Décret n°2017-096/PR/SEAS*) regulating the PNSF in Djibouti is the only framework that complies with all criteria (although to varying degrees of detail—for example, complaints procedures are not detailed, but left to be regulated by the State Secretariat for National Solidarity). It needs to be noted here, however, that the programme has not been embedded in a

legislative framework yet. The decree was merely approved by the Council of Ministers and, therefore, ranks lower in the legal hierarchy than a law that has passed through the legislative process. Moreover, although the framework is relatively comprehensive, the programme itself is still being scaled up. In the absence of sufficient funds, it currently only covers a fraction of each region in the interior of the country, reaching a total of about 4,000 households (République de Djibouti 2017).<sup>99</sup>

Iraq’s Law No. 11 of 2014 is another positive example, as it clearly defines eligibility criteria, roles and responsibilities, sets the financial requirements of the programme and establishes a complaints and appeals mechanism. Moreover, it defines those elements with more detail than most other programmes. The World Bank (2016) also highlights that the law was passed using “key best practice” as “government officials sat down with members of parliament to draft the law, along with senior advisors from the Council of Minister and from the *Shura* Council, and with advisory support from the World Bank team” (Alkhoja, Neman, and Hariz 2016, 2).

It can be observed that eligibility criteria and the roles and responsibilities of the institutions involved are better established than the other criteria assessed in this analysis. In fact, all legal frameworks analysed define who is eligible for the respective benefits and who is responsible for implementing the programme, even though with a varying level of detail. In comparison, the financial requirements and complaints and appeals mechanism are less well articulated. Only three programmes envisage some form of participation by beneficiaries (or their representatives); the Disability Card in Lebanon and the *Allocation Spéciale de Scolarité* in Algeria stand out in particular here.

Finally, implementation issues are—as in other regions—a major problem in MENA. Although this is not the main focus of this study, it is worth mentioning some cases where legislation and reality are far apart. The implementation of Libya’s Family Allowance, for instance, is highly uncertain. Another example is Lebanon’s Disability Card: its legislation is considered progressive, but it has been noted that government hospitals are frequently reluctant to provide care to Disability Card holders (ESCWA 2017).

The implementation of a law is particularly challenging in contexts of conflict and war, which can in the most extreme case lead to complete programme suspension, as in the case of Yemen’s SWF, whose legal framework is actually one of the more comprehensive in the region.

**Table 11. Legal frameworks’ level of compliance with human rights-based criteria**

More comprehensive frameworks (comply with 4 or more criteria)	Less comprehensive frameworks (comply with 3 criteria)	Least comprehensive frameworks (comply with 2 criteria)
Djibouti: <i>Programme National de Solidarité Famille</i>	Algeria: <i>Allocation Forfaitaire de Solidarité</i>	Bahrain: Social Assistance Scheme
Egypt: Social Solidarity Pension	Algeria: <i>Allocation Spéciale de Scolarité</i>	Kuwait: General Assistance
Iran: Targeted Subsidy Reform Act	Jordan: National Aid Fund	Libya: Family Allowance
Iraq: Social Protection Network	Jordan: Civil Insurance Programme	Egypt: <i>Takaful</i> and <i>Karama</i>
Yemen: SWF	Morocco: RAMEL	
	Oman: Social Security Benefits	
	Qatar: Social Insurance	
	Sudan: Zakat Fund	
	Syria: NSAF	
	Tunisia: AMG I and II	
	UAE: Monthly Cash Benefit	

Source: Authors’ elaboration based on programme legal frameworks mapped.

## 5. CONCLUSION

While the countries of the MENA region have a long tradition of providing social support to the most vulnerable segments of society, in many of them social protection systems remain limited, relying to a large extent on food and fuel subsidies and on the support of charitable and other non-state organisations. In recent years the region has seen a number of social protection reforms, often including the removal of inefficient subsidies and the introduction of cash transfer programmes, as in the case of Egypt, Iran and Saudi Arabia. In light of this new landscape of social provisioning and the political changes in the MENA region since the events of 2011 and more generally, the question arises whether a shift towards a more rights-based approach to social protection can be observed in the region.

A human rights-based approach to social protection requires, among others, anchoring social protection programmes in comprehensive legal frameworks. In the absence of strong legal frameworks, programmes are vulnerable to political manipulation and changes in government short-term priorities. Moreover, legal frameworks can help increase programme accountability and transparency. Addressing regulatory gaps can help reduce exclusion errors and achieve larger coverage of social protection programmes, especially among children—a key SDG target. Embedding social protection programmes in comprehensive legal frameworks is particularly relevant for children, as they are not only more vulnerable to malnutrition, disease and abuse (and thus in need of adequate social protection) but are also more dependent on others for support. Child-sensitive social protection should, therefore, be promoted as a right, ideally backed by a legal and constitutional basis, and not merely as charity.

Against this background, the objective of this study was to analyse the existing legal frameworks in which social protection programmes are embedded in the MENA region, and the extent to which they comply with a human rights-based approach. In a first step, this study looked at the region's major legal frameworks such as constitutions, social protection strategies and child statutes (Section 2). Anchoring social protection as a constitutional right provides the basis for moving away from a charity-based view of social protection towards a rights-based approach.

Most countries in the MENA region include a legal guarantee to social protection in their constitutions; however, only a few clearly extend the right to all children, as in the case of Iraq. When the right is extended to children, it is often done so for orphans, reflecting the region's tradition of providing assistance to families without a (male) breadwinner. In most cases, social protection is understood to be provided in the case of the inability to work, such as due to old age, disability or illness. The right to an adequate standard of living is commonly enshrined in some form in national constitutions, yet to varying degrees. While some constitutions include clear guarantees to housing or food, such as in Egypt, others see the provision of an adequate standard of living rather as a desired development objective, as is the case of Kuwait, Oman and Qatar.

While a constitutional provision is important to guarantee that social protection is understood as a fundamental right, it does not necessarily mean that countries lacking such a provision cannot have well-established schemes. Djibouti, for instance, which, despite lacking a provision establishing the right to social protection in its Constitution, has recently increased its efforts to strengthen its social protection system. At the same time, in countries with strong constitutional provisions, such as Egypt, national social protection programmes are rather weakly grounded in a programme-related framework.

Furthermore, long-term strategies can help strengthen policy commitment and coordination. Whereas only Djibouti and Morocco were found to have a solid social protection strategy, the overall tendency in MENA is to embed social protection in broader poverty reduction and development plans. Only a few strategies clearly stipulate the provision of social protection to children. Exceptions include Djibouti, Jordan and Morocco.

Of those countries that have a national statute on the rights of children, it can be observed that most of them are related to child protection, but few mention the right to social protection. Here too, orphans are commonly

mentioned as a particularly vulnerable group which should receive social protection services. In the SOP and Sudan, the primary responsibility for providing children with appropriate living conditions lies with children's parents. However, their statutes also attribute to the State the duty to grant families the appropriate assistance so that children's rights can be ensured. In Egypt, the 2008 Child Statute stands out for affirming children's right to social protection by envisaging the introduction of a cash transfer programme targeted at orphans and vulnerable children.

The third section looked at the existing programmes in the region and their legal frameworks. Notably, several non-contributory programmes that are particularly relevant for children are not (yet) embedded in a legal framework. This includes the *Tayssir* programme in Morocco, PNAFN/PPAS in Tunisia, E-NPTP in Lebanon, as well as the PNCTP in the SOP, although the latter two are in the process of developing a relevant provision. It should be remembered here that the implementation of social protection programmes can also precede the development of a clear legal framework, and in some cases even help inform them (Kaltenborn et al. 2017). While cash transfer and health protection programmes tend to be somewhat better embedded in legal frameworks, in-kind transfer and school feeding programmes are often missing a clear framework. The lack of legal frameworks for in-kind transfers might be explained by the fact that they are often planned to be temporary, responding to humanitarian emergencies.

It is important to note that non-nationals are commonly not covered by legal frameworks. This is particularly the case in the Gulf countries, which have a high number of foreign workers. While other countries are more inclusive in allowing at least regular non-national citizens, refugees are usually not covered by social protection programmes. In most cases, however, social protection to refugees is provided through humanitarian programmes, supported by international donors.

While having a legal framework can be considered a first step in complying with a human rights-based approach, it is likewise important that these frameworks are comprehensive in themselves and comply with some essential human rights criteria. In short, they should: (i) set out the eligibility criteria of the programme; (ii) define the various roles and responsibilities of all those involved in implementation; (iii) articulate long-term financial requirements; (iv) establish an accessible complaints and appeals mechanism; and (v) set the foundations for citizens' participation.

The analysis of the region's most relevant cash transfer and health protection programmes for children with legal frameworks shows that while most of them define eligibility criteria and roles and responsibilities, albeit with varying degrees of precision, fewer frameworks stipulate the long-term requirements or establish a strong complaints mechanism. A provision on the participation of beneficiaries is almost absent in the legal frameworks in the region. Some legal frameworks stand out for a more comprehensive and detailed legal framework, such as Iraq's Social Protection Law No. 11 of 2014, or Djibouti's *Décret n°2015-279/PR/SESN* (modified by *Décret N° 2017-096/PR/SEAS*). Yet it is important to remember here that the existence of a comprehensive legal framework does not necessarily mean that the programme is implemented as such in reality.

Based on the findings of the research conducted, countries in the MENA region should consider the following recommendations to promote children's right to social protection and achieve the development of social protection systems that comply with the standards established by international human rights law:

- Work **towards legislation and macro policy documents**, such as social protection strategies, that establish social protection as a right and not merely as charity, ensuring that such a right is extended to everyone, including children.
- Ensure that **social protection legislation is inclusive and non-discriminatory**, paying particular attention to the most disadvantaged and marginalised.

- Establish **appropriate regulatory frameworks to ensure refugees' access to a minimum of social protection**. This should also be supported by international donors. Particular attention should be paid to ensuring equal treatment of all refugees, regardless of nationality.
- Embed programmes in comprehensive legal frameworks and complement existing legislation in line with a **human rights-based approach to social protection**.
- Particular efforts should be made to create **legally embedded appeals and complaints mechanisms as well as channels which allow beneficiaries to participate** and inform the design, implementation and evaluation of programmes.
- Strengthen mechanisms that allow the **monitoring of legal frameworks** and their application in practice to hold governments and programme implementers accountable.

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## ANNEXES

### Annex I. Human rights treaties ratified by countries in MENA (by ratification date)

Country	CRC	ICESCR	CEDAW	ICERD	CRPD	Convention relating to the status of refugees	Banjul charter	African charter on the rights and welfare of the child	Arab charter on human rights	Charter of the rights of the Arab child
Algeria	1993	1989	1996	1972	2009	1963	1987	2003	2006	
Bahrain	1992	2007	2002	1990	2011				2006	
Djibouti	1990	2002	1998	2011	2012	1977	1991			
Egypt	1990	1982	1981	1967	2008	1981	1984	2001		1994
Iran	1994	1975		1968	2009	1976				
Iraq	1994	1971	1986	1970	2013					1986
Jordan	1991	1975	1992	1974	2008				2004	1992
Kuwait	1991	1996	1994	1968	2013					
Lebanon	1991	1972	1997	1971					2011	
Libya	1993	1970	1989	1968	2018		1986	2000	2006	1987
Morocco	1993	1979	1993	1970	2009	1956				
Oman	1996		2006	2003	2009					
SOP	2014	2014	2014	2014	2014				2007	1985
Qatar	1995	2018	2009	1976	2008				2009	
Saudi Arabia	1996		2000	1997	2008				2009	
Sudan	1990	1986		1977	2009	1974	1986			
Syria	1993	1969	2003	1969	2009				2007	1985
Tunisia	1992	1969	1985	1967	2008	1957	1983			
UAE	1997		2004	1974	2010				2008	
Yemen	1991	1987	1984	1972	2009	1980			2011	1985

Source: ACHPR (n.d.), LAS (n.d. a), LAS (n.d. b), OHCHR (n.d.).

## Annex II. Social protection strategies and other development plans

Country	Name of document	How is social protection mentioned?	Is social protection for children explicitly mentioned? How?	Social protection programmes mentioned
Algeria	<i>Plan d'action du gouvernement pour la mise en œuvre du programme du président de la république (2017)</i>	Government will mobilise all mechanisms for those with special needs (elderly people or PwD); mentions need for social transfers and indirect subsidies for those in need.	Mentions the importance of expanding school feeding programmes in rural areas.	<i>Cantine scolaire</i> , DIAS, TUP-HIMO
Bahrain	Government Programme of Action 2015-2018 (2015)	Government aims to redirect subsidies for the benefit of vulnerable groups, provide housing, empower low-income families and develop social services for elderly people, PwD and children, and to conduct a comprehensive review of legislation on social protection services.		Housing, subsidies
Djibouti	<i>Stratégie Nationale De Protection Sociale De La République De Djibouti (2018-2022) - Version provisoire (June 2017)</i>	Social protection strategy aims to achieve dynamic transformation for those without sufficient income, including households, children, elderly people and PwD.	One of the strategy's four main axes is guaranteeing income for children living in households experiencing acute poverty.	PNSF, food vouchers, social safety net, <i>Programme d'Assistance Sociale de Santé</i> , scholarships for students
Egypt	Egypt Vision 2030 – Social Justice Pillar (2016)	One of the economic indicators is related to poverty reduction; government seeks to provide support to marginalised segments of society.		
Iran				
Iraq	Strategy for the Reduction of Poverty in Iraq 2018-2022 Summary (2018)	'Effective Social Protection' is the fifth pillar of the strategy.		
Jordan*	Poverty Reduction Strategy, 2013-2020 (2013)*	Social welfare is one of the key pillars of the strategy; specific measures include better targeting.	Aims at providing an inclusive social protection system for poor men, women and children and those below middle class.	NAF, <i>zakat</i> , Civil Insurance
Kuwait	Kuwait National Development Plan	Among the plan's key projects, promoting social cohesion through a 'social security network' is stated. On this matter, project goals mostly focus on graduation from social protection programmes and generating labour market opportunities for social assistance beneficiaries.	The plan mentions expanding early intervention services to children with disabilities.	



Country	Name of document	How is social protection mentioned?	Is social protection for children explicitly mentioned? How?	Social protection programmes mentioned
Lebanon*	The national social development strategy of Lebanon (2011)	One of five objectives is to strengthen social protection mechanisms.	Highlights that assistance should be provided to allow families to support their children within their homes.	NTP, Disability Cards
Libya				
Morocco	<i>Vision Pour Une Politique Intégrée de Protection Sociale au Maroc</i> (2016)	Social protection strategy proposes a more integrated approach to social protection policy in Morocco, with particular attention on children.	Highlights that special attention is paid to children in the social protection strategy; takes a life-cycle approach.	RAMED, <i>Tayssir</i> , includes extensive mapping of all programmes in the country
Oman				
Qatar	Second National Development Strategy 2018-2022: Towards Vision 2030 (2018)	One of the objectives is to establish an effective social protection system; also envisages developing and improving social protection-related legislation.		
SOP	Social Development Sector Strategy 2017-2022	First strategic objective is to provide assistance to poor and marginalised households to meet their basic needs and to economically and socially empower them (includes provision of food and cash transfers).	Children are listed as one of the groups whose political, social and economic integration should be supported.	
Saudi Arabia	Kingdom of Saudi Arabia Vision 2030 (2016)	Vision 2030 foresees the realisation of six major programmes. The fiscal balance programme includes targeting the social welfare system at the poorest people, in the context of plans to reform subsidies introduced by the Vision.		Household Allowance (Citizens Account Programme)
Sudan*	Interim Poverty Reduction Strategy Paper (2012)	Clearly states the need to strengthen social protection, including the development of a National Social Protection Policy.		Zakat Health Insurance
Syria				



Country	Name of document	How is social protection mentioned?	Is social protection for children explicitly mentioned? How?	Social protection programmes mentioned
Tunisia	The National Strategy for the Resistance of Poverty and for Social Inclusion by 2018–2020	Aims to ensure the provision of basic income for all needy families in Tunisia, ensuring that all Tunisians are covered by health care; also envisages assisting in housing and increasing the budget of cash transfer programmes.	Aims to double the grant amount for children with disabilities from needy families, among others.	
UAE				
Yemen				

*Notes:* \* More recent social protection strategies have been/are being developed but have not been published yet. In Lebanon, one of the outputs of the Lebanon Crisis Response Plan 2017–2020 is the development of a National Social Safety Net Strategy (Government of Lebanon and the United Nations 2018, 42). In Jordan, the government has drafted a new National Social Protection and Poverty Reduction Strategy (2018–2025) (SP-Fragility-Displacement 2017). Sudan has recently launched a National Strategic Development Plan 2017–2020.

\*\* No relevant policy document which includes social protection could be mapped.

*Source:* Authors' elaboration based on Social protection strategies and other development plans mapped.

### Annex III. Child statutes in MENA countries and year of issuance

Country	Legislation title	Year
Algeria	<i>Loi n° 15-12 du 28 Ramadhan 1436 relative à la protection de l'enfant</i>	2015
Bahrain	Law No. [37] for the year 2012: The issuance of the Child Law	2012
Djibouti	Loi n°95/AN/15/7ème L portant code de Protection juridique des mineurs	2015
Egypt	Law No. 12 of 1996 to promulgate the Child Act and Law No. 126 of 2008 amending the provisions of the Child Law	1996, 2008
Jordan	Youth Welfare Act 1987	1987
Kuwait	Law No. 21 of 2015 on Children's Rights	2015
Libya	Law No. [5] of 1997 Childhood Protection	1997
Oman	Royal Decree No. 22 of 2014 Promulgating Children Law	2014
SOP	Palestinian Children Act	2004 and amended in 2012
Saudi Arabia	Child Protection Law (2014) and Executive Regulation of the Child Protection Law (2015)	2015
Sudan	Children's Act 2010	2010
Tunisia	<i>Loi n° 95-92 du 9 novembre 1995, relative à la publication du Code de la protection de l'enfant and Loi n° 2002-41 du 17/04/2002 portant modifications au code de protection des enfants</i>	1995
UAE	Federal Law No. 3 of 2016 on Child Rights, 'Wadeema's Law'	2016
Yemen	Law No. 45 of 2002 on the Rights of the Child	2002

Source: Authors' elaboration based on Child Rights Acts mapped.

## Annex IV. Non-contributory social protection schemes mapped in MENA, programme type and respective legal/regulatory framework

#	Country	Programme name	Programme type	Year of law	Name of law/decree
1	Algeria	<i>Travaux d'Utilité Publique à Haute Intensité de Main d'Oeuvre (TUP-HIMO)</i>	CFW	1996	Presidential Decree No. 96-330 (7 October 1996)
2	Algeria	<i>Allocation Forfaitaire de Solidarité</i>	UCT	1994	<i>Décret exécutif n° 94-336 du 24 octobre 1994</i>
3	Algeria	<i>Dispositif d'Activité d'Insertion Sociale (DAIS)</i>	CFW	2009	Executive Decree No. 09-305 of 10 September 2009, completed and modified by Executive Decree No. 12-78 of 12 February 2012
4	Algeria	<i>Programme pour la Promotion et Insertion des Personnes Handicapées</i>	UCT	2002	<i>Loi n° 02-09 du 8 mai 2002</i> , on the Protection of Individuals with Disabilities
5	Algeria	<i>Allocation Spéciale de Scolarité</i>	CCT	2001	<i>Décret présidentiel n° 01-238 du 19 août 2001</i>
6	Algeria	<i>Blanche Algérie</i>	CFW	2005	<i>Arrêté n°48 du 13/06/2005</i>
7	Algeria	<i>Le fonds d'indemnisation des victimes et des ayants droit des victimes des événements ayant accompagné le mouvement pour le parachèvement de l'identité nationale et la promotion de la citoyenneté</i>	UCT	2002	<i>Decret Présidentiel n° 02-125 of 24 Moharrem 1423, 7 April 2002</i>
8	Algeria	<i>Bourse Nationale</i>	CCT	2009	Executive Decree No. 09-351 of 26 October 2009, modifying and completing Executive Decree No. 90-170 of 2 June 1990
9	Algeria	<i>Bourse Scolaire</i>	CIT	2008	Law No. 08-04 of 23 January 2008
10	Algeria	<i>Cantines Scolaires</i>	SFP	2008	Decree No. 65-70 of 11 March 1965 Reference to School Feeding in Law No. 08-04 of 23 January 2008 Executive Decree No. 17-42 of 19 January 2017
11	Algeria	<i>Fournitures Scolaires</i>	CIT	2008	Law No. 08-04 of 23 January 2008
12	Algeria	<i>Manuel Scolaire</i>	CIT	2008	Law No. 08-04 of 23 January 2008 Executive Decree No. 17-42 of 19 January 2017
13	Algeria	Energy and basic food subsidies	SUB	1974	Energy subsidies: Executive Decree No. 74-264 of 31 December 1974. Finance Law 2016, Law No. 15-18 of 30 December 2015 Finance Law 2017, Law No. 16-14 of 28 December 2016 Food subsidies: Order No. 75-37 of 29 April 1975; Interministerial Ruling of 12 September 1985; Executive Decree No. 11-108 of 6 March 2011; Executive Decree No. 16-65 of 16 February 2016, modifying and completing Executive Decree No. 01-50 of 12 February 2001; Executive Decree No. 96-50 of 17 January 1996



#	Country	Programme name	Programme type	Year of law	Name of law/decree
14	Algeria	Logement Public Locatif	HPR		Executive Decree No. 08-142 of 11 May 2008
15	Bahrain	Social Assistance Scheme	UCT	2006	Law No. 18 of 2006
16	Bahrain	Reduction of Electricity and Water Fees	SUB	1999	Royal Decree issued in 1999
17	Bahrain	Financial Compensation	UCT	2013	Royal Decree No. 25 of 2013
18	Bahrain	Social Housing Programme	HPR		
19	Bahrain	Unemployment Aid	UCT	2006	Decree Law No. 78/2006
20	Bahrain	Energy and water subsidies	SUB		
21	Djibouti	Social Safety Net Project	CFW		
22	Djibouti	<i>Programme National de Solidarité Famille (PNSF)</i>	UCT	2015	<i>Décret n°2015-279/PR/SESN; Décret n° 2017-096/PR/SEAS</i>
23	Djibouti	National School Feeding Programme	SFP		
24	Djibouti	Fuel and food subsidies	SUB		
25	Djibouti	General Food Distribution Programme:	UIT		
26	Djibouti	Emergency Food Assistance Relief Assistance through E-vouchers in Vulnerable Urban Areas	UIT		
27	Djibouti	Scholarships for Education	EFW		
28	Djibouti	Cantine and transport subsidy for university students	CCT		
29	Djibouti	Workers' Medical Benefits (Non-contributory component)	HCB	2014	2014 Legislation for Universal Health Insurance
30	Egypt	<i>Takaful and Karama (Solidarity and Dignity)</i>	CCT/UCT	2015	Prime Ministerial Decree No. 540 of 2015
31	Egypt	Social Solidarity Pension	UCT	1980	Law 112/1980
32	Egypt	School Feeding Programme	SFP		
33	Egypt	Food and energy subsidies	SUB		
34	Egypt	Social Fund for Development Public Works Programme	CFW		
35	Egypt	Social Pension Health Care Programme (SPHCP)/Health Insurance for Poor People	HCB		
36	Egypt	Social Housing Fund	HPR	2014	Social Housing Law 33 of 2014
37	Iran	Food, fuel and electricity subsidies	SUB		
38	Iran	Targeted Subsidies Reform Act	UCT	2010	Targeted Subsidy Reform Law 2009, Bylaw of Art. 7 ratified by Cabinet in April 2010



#	Country	Programme name	Programme type	Year of law	Name of law/decree
39	Iran	Iranian School	SFP	2008	Cabinet ratification 1387
40	Iran	Feeding programmes: Free milk distribution in schools (provided by Ministry of Education)	SFP	2010	Executive guidelines of food poverty reduction plans for low-income families 1389
41	Iran	One hot meal in rural child-care centres (provided by SWO) Free milk distribution in kindergartens (provided by SWO)	SFP	2008	Cabinet ratification 1387
42	Iran	Powdered Milk and Food Supply Programmes:	UIT	2008	Cabinet ratification 1387
43	Iran	Powdered milk distribution management (provided by the Ministry of Health, Child Health Bureau)	UIT	2010	Executive guidelines of food poverty reduction plans for low-income families 1389
44	Iran	Supply of powdered milk programme (provided by SWO) Plan on nutrition for needy children under 6 years and pregnant mothers (provided by Imam Khomeini Relief Committee)	UIT	1979	Statute of the Imam Khomeini Relief Committee 1978; Law on Protection of Women and Orphans 1992; General policies of the Fourth Plan of the Imam Khomeini Relief Committee 2006; General policies of the Fourth Plan of the Imam Khomeini Relief Committee 2005–2009; Ratifications of the Strategic Fifth Five-Year Plan of the Imam Khomeini Relief Committee 2011
45	Iran	Nomads and Social Insurance Fund	HCB		
46	Iran	Villagers and Nomads Social Insurance Fund	HCB		
47	Iran	Social Insurance for Female Heads of Households (funded by Imam Khomeini Relief Committee) Social Insurance for Female Heads of Households (funded by SWO)	HCB		
48	Iran	Iranian Cash Transfer Programmes for Vulnerable Families:	UCT		
49	Iran	Shahid Rajaei Project (provided by Imam Khomeini Relief Committee)	UCT		
50	Iran	Aid Project (provided Imam Khomeini Relief Committee) Allowances to low-income families (Social Welfare Organization)	UCT	2006	Law on support for women and orphans 2006
51	Iran	Medical services and insurance (Imam Khomeini Relief Committee)	HCB		



#	Country	Programme name	Programme type	Year of law	Name of law/decree
52	Iran	Iranian Programmes Providing Support to Orphans:	UCT	1978	Imam Khomeini Relief Committee Statute 1978;
53	Iran	Orphans in the <i>Ekram</i> Plan (provided by Imam Khomeini Relief Committee)	UCT	2006	Law on support for women and orphans 1992
54	Iran	Allowances to Orphans (provided by the SWO) Allowances to Foster Families (provided by the SWO)	UCT	2006	Law on support for women and orphans 2006; Specialised instruction of care for children under the coverage of SWO 2009
55	Iraq	Public Distribution System (PDS)	UIT		
56	Iraq	Social Protection Network	UCT	2014	Social Protection Law No. 11 of 2014
57	Iraq	Electricity subsidies	SUB		
58	Jordan	National Aid Fund: 1. Recurring Cash Assistance	CCT	1986	Law of the National Aid Fund No. 36 of 1986;
59	Jordan	2. Emergency Cash Assistance	UCT	1986	
60	Jordan	3. Handicapped Care Cash Assistance	UCT	1986	Instructions issued in 2015 under the provisions of Article (8 g) of the Law of the National Aid Fund No. 36 of 1986;
61	Jordan	4. Physical Rehabilitation Cash Assistance	UCT	1986	
62	Jordan	5. Health Insurance Card	HCB	1986	Instructions issued in 2012 under the provisions of Article 8 (j) of the Law of the National Aid Fund No. 36 of 1986
63	Jordan	National Zakat Fund: 1. Monthly cash assistance	EFW	1988	Zakat Fund Laws No. 4 and 8
64	Jordan	2. Occasional in-kind assistance	UIT	1988	
65	Jordan	3. Orphan cash assistance	UCT	1988	
66	Jordan	4. Rehabilitation assistance	UIT	1988	
67	Jordan	5. Emergency cash transfer	UCT	1988	
68	Jordan	6. Medical care programmes	HCB	1988	
69	Jordan	7. Student assistance	EFW	1988	
70	Jordan	Subsidies	SUB		
71	Jordan	National School Feeding Programme	SFP		
72	Jordan	Emergency Cash Assistance	UCT		
73	Jordan	Housing for Poor People	HPR		
74	Jordan	Food Security Programme	UIT		
75	Jordan	Civil Insurance Programme	HCB		
76	Kuwait	Fuel, food and housing, electricity, water and telecommunications subsidies	SUB		
77	Kuwait	Physical Disability Grant	UCT		
79	Kuwait	School Feeding Programme	SFP		
80	Kuwait	Housing Welfare	HPR	1993	Law No. 47 of 1993 Concerning Housing Welfare



#	Country	Programme name	Programme type	Year of law	Name of law/decre
81	Kuwait	General Assistance	UCT	1978	Decree No. 22 of 1978; Law No. 11 of 2012; Decree No. 23 of 2013
82	Kuwait	Zakat Fund	UCT	1982	Act No. 5 of 1982
83	Lebanon	Emergency National Poverty Targeting Programme (E-NPTP)	UIT	2007	'Emanating Project' by ministerial decree
84	Lebanon	Personal Disability Card	HCB	2000	Law No. 220 of 2000
85	Lebanon	Food, fuel and energy subsidies	SUB	1959	Different legal frameworks: for cereals, Legislative Decree 143 dated 12 June 1959; amended by Decree 2896 dated 28 December 1973
86	Lebanon	Fund for Displaced Persons	UCT		
87	Libya	Food, fuel and energy subsidies	SUB		
88	Libya	Financial and social support provided by the Social Security Fund	UCT	1998	Law No. 20 of 1998 on the Social Security Fund
89	Libya	Food baskets	UIT		
90	Libya	Family Allowance	UCT	2013	Law No. 27 of 2013 on Allowances for Children and Wives
91	Morocco	Tayssir	CCT		
92	Morocco	<i>Travaux Public à Haute Intensité de Main d'œuvre</i>	CFW		
93	Morocco	Sugar, Flour and Butane Gas Subsidies Programme	SUB		
94	Morocco	<i>Régime d'Assistance Médicale aux Economiquement Démunis (RAMED)</i>	HCB	2002	2002 Law on Basic Health Coverage: Law No. 65-00, on the Dahir No. 1-02-296 (3 October 2002); Decree No. 2-08-177 (September 2008) and Decree No. 32-11-199 (September 2011), relating to the medical assistance scheme; Joint Decree No. 836-08 (September 2008) from the Minister of Interior, Ministry of Economy and Finances and Ministry of Agriculture on calculating the RAMED score; Joint Decree No. 5911 (January 2011) from the Ministry of Interior, Ministry of Economy and Finances and Ministry of Health on expanding RAMED
95	Morocco	<i>Fond d'Entraide Familiale</i>	UCT	2010	Law No. 41-10 Official Bulletin no. 5904 bis 24 Moharrem 1432; p. 2232. Dahir No. 1-10-191, 7 moharrem 1432
96	Morocco	<i>L'Appui Direct aux Femmes Veuves</i>	CCT	2014	Decree No. 2.14.791 of 11 SAFAR 1436 (4 December 2014) determining the conditions and criteria of eligibility, Official Bulletin no. 6318 (18 December 2014)
97	Morocco	<i>Cantines Scolaires</i>	SFP		
98	Morocco	Reimbursement and Subsidy (lower prices or free) of Drug Costs	HCB	2013	<i>Décret n°2-13-852</i> (18 December 2013)



#	Country	Programme name	Programme type	Year of law	Name of law/decree
99	Morocco	<i>Initiative Royale un million de cartables</i>	UIT		
100	Oman	Social Security Benefits (Monthly Cash Assistance Programme)	UCT	1984	Sultani Decree 84/87 Promulgating the Social Security Law
101	Oman	Social Aid Services and Emergency Assistance	UCT	2014	Ministerial Decree 72/2014; Royal Decree 84/87 Issuing the Social Security Law
102	Oman	Food and energy subsidies	SUB		
103	Qatar	Food, fuel and housing subsidies	SUB		
	Qatar	Social Insurance:			
104	Qatar	1. Social Insurance for Divorcees	UCT	1995	
105	Qatar	2. Social Insurance Payment for Families	UCT	1995	
106	Qatar	3. Old-age Incapacity Benefit	UCT	1995	
107	Qatar	4. Social Insurance for Families of Missing Persons	UCT	1995	
108	Qatar	5. Social Insurance for Abandoned Wives	UCT	1995	Social Insurance Law No. 38
109	Qatar	6. Social Insurance for Widows	UCT	1995	
110	Qatar	7. Special Needs Allowance	UCT	1995	
111	Qatar	8. Incapacity Benefit	UCT	1995	
112	Qatar	9. Orphans Benefit	UCT	1995	
113	Qatar	Zakat Fund	UCT	1992	Act. No. 8 of 1992
114	Qatar	School Feeding Programme	SFP		
115	Saudi Arabia	Household Allowance (Citizens Account)	UCT		
116	Saudi Arabia	Supplementary Support Programme	UCT	2006	Royal Decree No. M/45 of 2006 issuing the Social Security Law
117	Saudi Arabia	<i>Hafiz</i> —Searching for Employment Programme	CCT		
118	Saudi Arabia	School Feeding Programme	SFP		
119	Saudi Arabia	Subsidies	SUB		
120	SOP	Palestinian National Cash Transfer Programme (PNCTP)	UCT		
121	SOP	Educational Fee Waivers	EFW		
122	SOP	Deprived Families Economic Empowerment Programme (DEEP)	UCT		
123	SOP	Food Assistance Programme	UCT		
124	SOP	Protection, care and rehabilitation of marginalised and vulnerable groups	UIT		



#	Country	Programme name	Programme type	Year of law	Name of law/decre
	SOP	Zakat Fund			
125	SOP	1. Orphan Sponsorship	UCT		In 2008, a new law on <i>zakat</i> was approved in Gaza by the Palestinian Legislative Council. Given the political division of Gaza and the West Bank, the status of the legislation remained unclear. In 2013 a new Zakat Law was drafted and submitted to the Council of Ministers
126	SOP	2. Financial Assistance to Poor and Vulnerable Families	UIT		
127	SOP	3. In-kind Assistance	UCT		
128	SOP	4. Emergency Assistance	UCT		
129	Sudan	Shamel Integrated Programme for Social Support	UIT		
130	Sudan	Zakat Fund	UCT	2001	Zakat Act of 2001
131	Sudan	Education Fee Waivers and Student Support Grant ( <i>Zakat</i> -funded)	CCT		
132	Sudan	Fee Waiver for Health Insurance for Poor Families ( <i>Zakat</i> - and MoFNE-funded)	HCB		The National Health Insurance Fund Law of the year 2001 and its amendments
133	Syria	National Social Aid Fund (NSAF)	UCT	2011	NSAF Decree (January 2011)
134	Syria	Cash transfers to people with disabilities	UCT	2004	Legislation No. 34 of 2004
135	Syria	Social protection schemes for children with complex disabilities (UNICEF-funded)	UCT		
136	Tunisia	<i>Programme National d'Aide aux Familles Nécessiteuses</i> (PNAFN)	UCT		
137	Tunisia	<i>Programme d'Allocations Scolaires</i> (PPAS) (PNAFN)	CCT		
138	Tunisia	Back-to-school Education Benefit	CCT		
139	Tunisia	National School Meals Programme	SFP	2002	<i>Loi d'orientation de l'éducation et de l'enseignement scolaire</i>
140	Tunisia	AMG I	HCB	1991	Law No. 91-63 of 29 July 1991; Decree No. 1998-409 of 18 February 1998 establishes the conditions and procedures for this scheme, including two types of family assistance: free access and reduced tariffs for lowest-income segments; Ministry of the Interior Circular No. 12 of 27 May 2011 and Ministry of Social Affairs Circular No. 3 of 27 May 2011 define the criteria for family eligibility for AMG I
141	Tunisia	AMG II	HCB	1991	
142	Tunisia	Energy and food subsidies	SUB	1970	Law No. 26 (1970) creates the <i>Caisse Générale de Compensation</i> ; Finance Law No. 65-1970 (1970)
143	UAE	Monthly Cash Benefit	UCT	2001	Social Assistance Act - Federal Law No. 2 of 2001; Cabinet Decision No. 21 for 2005 and No. 14 for 2008 (regarding the values of social assistance)



#	Country	Programme name	Programme type	Year of law	Name of law/decre
144	UAE	Periodic Benefits	UCT	2012	Law No. 7 of 2012
145	UAE	Emergency Benefit	UCT		
146	UAE	One-time Benefit	UCT		
147	UAE	Temporary Housing Benefit	HPR		
148	UAE	Energy, electricity and water subsidies	SUB		
149	UAE	Social welfare against disasters	UCT	2008	Cabinet Decision No 22 for 2008
150	UAE	<i>Sheikh Zayed</i> Housing Programme	HPR	2009	Federal Law No. 10 of 2009 on Sheikh Zayed Housing Program
151	Yemen	Social Fund for Development Programme	CFW	1997	Law No. 10 of 1997
152	Yemen	Public Works Project	CFW	1996	Law No. 36 of 1996
153	Yemen	Social Welfare Fund	UCT	2008	Social Welfare Fund Law No. 39 of 2008
154	Yemen	Disability Welfare and Rehabilitation Fund	UIT	2002	Law No. 2 of 2002, creating the Welfare and Rehabilitation Fund for people with disabilities

Source: Authors' elaboration based on Machado et al. (2018)

## Annex V. Analysis of human rights principles of selected programmes in the region

Country	Programme	Legal instrument	Relevant article(s)				
			Setting out eligibility requirements	Articulating long-term financial requirements	Defining the roles and responsibilities of those involved in the scheme's implementation	Establishing accessible complaints and appeals mechanisms	Setting foundations for citizen participation
Algeria	<i>Allocation Forfaitaire de Solidarité</i>	<i>Décret exécutif n°94-336 du 24 octobre 1994</i>	Art. 6–10	Art. 13, 16	Art. 12, 16, 18, 19	Art. 18	
Algeria	<i>Allocation Spéciale de Scolarité</i>	<i>Décret présidentiel n°01-238 du 19 août 2001</i>	Art. 2		Art. 3		Art. 3
Bahrain	Social Assistance Scheme	Provisions of Law No. 18/2006	Art. 6, 12		Art. 10, 15, 16	Art. 8	
Djibouti	PNSF	<i>Décret n°2015-279/PR/SESN du 11 octobre 2015;</i> <i>Décret n° 2017-096/PR/SEAS</i>	Art. 11, 13	Art. 18 [ <i>Décret n°2017-096/PR/SEAS</i> ]	Art. 3 [ <i>Décret n°2015279/PR/SESN</i> ] Art. 2, 4, 6, 7, 8, 9 [ <i>Décret n°2017-096/PR/SEAS</i> ]	Art. 16	Art. 13, 17
Egypt	Social Solidarity Pension	Law No. 137 of 2010 Social Solidarity Law, Executive Regulations 451 of 2010, Ministerial Decree 186 of 2015	Art. 2, 4 (Law No. 137) Art. 4, 6 (Executive Regulations 451) Art. 2 (Ministerial Decree 186)	Art. 14	Art. 8	Art. 8	
Egypt	<i>Takaful and Karama</i>	Prime Ministerial Decree No. 540 of 2015	Art. 2		Art. 3, 9		
Iran	Targeted Subsidy Reform Act	Targeted Subsidy Reform Law 2009, Bylaw of Art. 7 ratified by Cabinet in April 2010	Art. 7a, and Bylaw on Art. 7 (Art. 5, 6 and 7)	Art. 1–4, 7	Art. 15 Bylaw on Art. 7	Art. 10	
Iraq	Social Protection Network	Law No. 11 of 2014 on Social Protection	Art. 1, 28	Art. 19	Art. 4, 6, 8, 9, 10, 11, 12, 13, 18	Art. 10, 12, 25	



Country	Programme	Legal instrument	Relevant article(s)				
			Setting out eligibility requirements	Articulating long-term financial requirements	Defining the roles and responsibilities of those involved in the scheme's implementation	Establishing accessible complaints and appeals mechanisms	Setting foundations for citizen participation
Jordan	National Aid Fund	Law of the National Aid Fund No. 36 of 1986; Instructions issued in 2015 under the provisions of Article 8 (g) of the Law of the National Aid Fund No. 36 of 1986;  Instructions issued in 2012 under the provisions of Article 8 (j) of the Law of the National Aid Fund No. 36 of 1986	Ch. 5 (Art. 12–17), Ch. 6 (Art. 18–23), Ch. 7 (Art. 24–28) [Provisions of Article 8g]	Art. 6	Art. 7 (Law No. 36), Art. 7 (Provisions of Article 8 j)		
Jordan	Civil Insurance Programme	The Civil Health Insurance System and its amendments No. 83 of 2004	Art. 8, 27	Art. 4	Art. 42		
Kuwait	General Assistance	Decree No. 23 of 2013	Art. 1		Art. 8		
Lebanon	Disability Card	Law No. 220 of 2000	Art. 2, 3, 4		Art. 6, 7		Art. 8
Libya	Family Allowance	Law No. 27 of 2013 on Allowances for Children and Wives	Art. 1, 3		Art. 6, 7		
Morocco	RAMED	<i>Décret n° 2-08-177 du 29 septembre 2008</i>	Art. 2, 3, 4	Art. 25, 26	Art. 10, 12, 25 and 26		
Oman	Social Security Benefits (Monthly Cash Assistance Programme)	Sultani Decree 84/87 Promulgating the Social Security Law (1984)	Art. 2		Art. 10, 12, 15, 16, 20, 21	Art. 11	
Qatar	Social Insurance	Law No. 38 of 1995 on Social Insurance	Art. 3		Art. 4, 21	Art. 15	
Saudi Arabia	Supplementary Support Programme	Royal Decree No. M/45 of 2006	Art. 2, 3, 5	Art. 18	Art. 9, 10, 12, 13, 17	Art. 20, 21	
Sudan	Zakat Fund	Zakat Law of 2001	Art. 38	Art. 16, 39	Art. 7		
Syria	NSAF	Legislative Decree No. 9 establishing the National Fund for Social Assistance (2011)	Art. 19	Art. 4, 6	Art. 9, 10		



Country	Programme	Legal instrument	Relevant article(s)				
			Setting out eligibility requirements	Articulating long-term financial requirements	Defining the roles and responsibilities of those involved in the scheme's implementation	Establishing accessible complaints and appeals mechanisms	Setting foundations for citizen participation
Tunisia	AMG I and II	<i>Loi N° 87-29 du 12 juin 1987</i>	Art. 4	Art. 14, 15	Art. 21		
UAE	Monthly Cash Benefit	Federal Law No. 2 of 2001	Art. 3, 4, 7, 19		Art. 18, 21	Art. 13, 14	
Yemen	SWF	Social Welfare Law No. 39 of 2008	Art. 4, 5, 6, 7, 11, 12, 13	Art. 33	Art. 23, 24	Art. 20	

Source: Authors' elaboration based on programme legal frameworks mapped.

## NOTES

1. Based on UNICEF's definition of the MENA region, this study covers the following 20 countries: Algeria, Bahrain, Djibouti, Egypt, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, State of Palestine, Sudan, Syria, Tunisia, United Arab Emirates and Yemen.
2. Note that in many Arab countries, the term social security is used to refer to contributory systems only. The authors accounted for this difference.
3. See p. 69 of the toolkit: <<https://goo.gl/upszmP>>.
4. Law No. 10.835/2004.
5. Law No. 27 of 2013.
6. The review comprised documents available in French, English and Arabic.
7. These include the [Core Diagnostic Instrument](#) (CODI) from the Inter-Agency Social Protection Assessment (ISPA), and the [Social Protection Index](#) from the Asian Development Bank. More guidelines are also provided in the handbooks developed as part of the [Leadership and Transformation Curriculum on Building and Managing Social Protection Floors in Africa](#) supported by an *inter-agency initiative of UN agencies*.
8. An exception is made for old-age pensions.
9. However, there is also no clearly articulated definition of 'statute' or 'regulatory frameworks.' Through personal communication with current and former ISSA staff members, the authors of this study came to know that there must be a 'judicable right spelled out in legislation.' Moreover, pilot programmes, especially when they are not rooted in law or have an external funder, as well as area-specific programmes are not included. Some exceptions are made, particularly when programmes not rooted in law are very widespread and long-standing. In some rare cases, programmes by executive decrees are included if they have the same status of law once implemented or meet other criteria (e.g. universal or near-universal coverage). According to personal communication with ILO staff members, the organisation is currently working on including also non-statutory programmes in its database (to be completed by the end of 2018).
10. For a complete list of ILO instruments as well as international human rights instruments related to the right to social protection, see also ILO (2017b).
11. Countries such as Iran and Saudi Arabia made more general statements, reserving the right not to apply articles that might be contrary to Islamic law, whereas other countries, such as Iraq, Jordan and the UAE, identified specific provisions in their reservations. In general, the most controversial CRC articles among MENA countries are Art. 14, on the freedom of religion, and Art. 20, on the adoption of children (OHCHR 2018a).
12. In the MENA region, only Jordan and Libya have ratified ILO Convention 102.
13. The CRPD is the only one of the Conventions cited here that uses the term 'social protection,' which could be because it is relative recent (adopted in 2006). The term 'social protection' has only more recently been used in official texts.
14. It is relevant to note that some countries, such as Egypt, have made reservations on the aforementioned articles. However, some may argue that these principles are widely accepted as norms. For example, Egypt currently allows refugees—to a certain extent—to use the national health and education systems. This is only achieved through Memos with UNHCR-Egypt, not based on a legal framework.
15. Algeria, Djibouti, Egypt, Iran, Morocco, Sudan, Tunisia and Yemen.
16. The Covenant, for example, makes explicit reference to Apartheid. Moreover, Article 23 of the charter puts internally displaced children on the same level as refugees in terms of the protection afforded. The instrument also brings a different approach to the right to health, which is understood to comprise physical, mental and spiritual well-being, and includes the "provision of nutritious food and safe drinking water, as well as adequate health care" (Art. 14).
17. It should be noted that the Charter uses rather persuasive and poetic language. Moreover, no information could be found on its current status or the legal relevance for those countries that have ratified it.
18. According to Cavanaugh (2012), the Covenant shall enter into force after 20 members of the OIC have ratified it.
19. See: Algeria (Art. 72), Bahrain (Art. 5a), Egypt (Art. 80), Iran (Art. 21), Iraq (Art. 29), Jordan (Art. 6), Kuwait (Art. 9), Libya (Art. 5), Morocco (Art. 32), Oman (Art. 12), Qatar (Art. 21), Saudi Arabia (Art. 9), SOP (Art. 29) and Syria (Art. 20).

20. This is the case for Algeria (Art. 72), Bahrain (Art. 5a), Egypt (Art. 80), Iraq (Art. 29), Jordan (Art. 6), Kuwait (Art. 10), Qatar (Art. 22), SOP (Art. 29) and Sudan (Art. 14).
21. In Lebanon, one of the outputs of the Lebanon Crisis Response Plan 2017–2020 is the development of a National Social Safety Net Strategy (Government of Lebanon and the United Nations 2018).
22. Note that no relevant strategy or plan was found for Iran, Kuwait, Libya, Oman, the UAE or Yemen. In some cases, these countries have a development plan, but they do not make explicit mention to social protection.
23. The strategy predates the peak of the Syrian refugee crisis in Jordan. With UNICEF’s support, the government is developing a new social protection and poverty reduction strategy 2018–2025 (SP-Fragility-Displacement 2017).
24. Tunisia is currently in the process of developing the National Strategy for Social Inclusion and Poverty Reduction (Ministère des Affaires Sociales 2018).
25. Bahrain, Egypt, Kuwait, Libya, Saudi Arabia, SOP and Sudan.
26. Law No. 12 of 1996 to promulgate the Child Act and Law No. 126 of 2008 amending the provisions of the Child Law.
27. Federal Law No. 3 of 2016 on Child Rights, ‘Wadeema’s Law’.
28. Law No. 95-92 from 1995 and Law No. 2002-41 from 2002, amending the provisions of the *Code de la protection de l’enfant*.
29. Law No. 37 of 2012.
30. Law No. 21 of 2015.
31. Royal Decree No. 22 of 2014.
32. Children’s Act 2010.
33. In this selection, laws/regulatory frameworks enacting more than one programme (considered in this study as sub-programmes) were counted just once.
34. Statute of the Imam Khomeini Relief Committee (1979).
35. Decree No. 22 of 1978.
36. Sultani Decree 84/87 of 1987.
37. Law 112 from 1980.
38. The Social Solidarity Programme is now being harmonised with *Takaful* and *Karama*, introduced in 2015.
39. Law No. 31 of 1996.
40. Executive Decree No. 94-336 of 24 October 1994.
41. Law No. 91-63 of 29 July 1991. However, only in 1998 did Decree No. 1998-409 of 18 February establish the conditions and procedures for the health benefit, including two types of family assistance: free access and reduced tariffs for those with the lowest income.
42. Half of these programmes target children—namely: *Bourse Scolaire*, *Fournitures Scolaires* and *Manuel Scolaire*, all enacted by Law No. 08-04 of 23 January 2008, and the *Allocation Spéciale de Scolarité*, regulated by Presidential decree No. 01-238 of 19 August 2001.
43. Federal Law No. 2 of 2001.
44. Social Protection Law No. 11 of 2014.
45. UNICEF Lebanon, personal communication.
46. Other programmes considered here: Morocco’s *Tayssir* programme, which started as a pilot in 2008, has also not been regulated by a firm legal framework yet. The same holds for the Food Assistance Programme in the SOP, which started as a pilot in 2009 and was scaled up nationally in 2014. Also, no legal framework has been mapped for the Social Safety Net Project in Djibouti, a scale-up of the Employment and Human Capital Safety Nets Project, supported by the World Bank.
47. *Arrêtés de 6 mai et 10 juin 1941* (Algeria).
48. Libya’s Family Allowance is not limited to poor families but was included in this selection.

49. Note that in the study, education-related CCTs include cash transfers for families with school-age children, which are conditional on school attendance or enrolment (whether verified or not), but also educational scholarships and student grants paid to individual students, which have an implicit conditionality.
50. In 2017, the Code of the Electronic Ration Card was issued, concerned with preventing fraud and regulating the work of the electronic ration card. Yet the law is exclusively concerned with technical issues (such as receiving a new card in case of losing the original card, providing false information, fines etc.).
51. The focus here was on programmes that provide primarily in-kind transfers. In-kind transfers that are a sub-component of a larger scheme were not considered here.
52. Note that other countries, such as Iran and Morocco, also have social housing programmes; however, they were not included here due to a lack of further information.
53. The selection here focused on those programmes that are primarily health insurance or health care benefits, and excluded those that are merely sub-programmes. An exception was made for the NPTP in Lebanon, which also includes fee waivers and e-card food vouchers.
54. *Loi n° 83-11 du 2 juillet 1983 relative aux assurances sociales* and *Loi n° 11-08 du 5 juin 2011 modifiant et complétant la loi n° 83-11 du 2 juillet 1983 relative aux assurances sociales*.
55. Art. 16 of *Décret exécutif n° 94-336 du 24 octobre 1994* specifies that beneficiaries of the *Allocation Forfaitaire de Solidarité and the Indemnité pour participation aux activités d'intérêt général* (IAIG—Allowance for Activities of General Interest, later integrated into the DIAS) benefit from health insurance and maternity benefits. Art. 4 of *Décret exécutif n° 09-305 du 10 septembre 2009* reads that beneficiaries of the *Dispositif d'Activité d'Insertion Sociale* (DAIS—Intervention for Social Inclusion) are covered by health insurance, maternity and work injury benefits.
56. See also IPC-IG (forthcoming) for more detailed analysis of the shock-responsiveness of social protection programmes in MENA, discussing, among others, the case of the SWF in Yemen.
57. *Loi n° 159/AN/16/7ème portant le Statut des Réfugiés*.
58. The other *zakat* beneficiary categories include those employed to administer the Zakat Fund, new converts to Islam, those in bondage, those in debt, and those committed to some act of service or devotion.
59. Personal communication with UNCIEF Country Office Iraq in IPC-IG (forthcoming).
60. According to recent regulations made in 2010, special instructions for the treatment and referral of those covered in civil health insurance extend health care services to the following groups: beneficiaries of social safety nets, residents of remote areas, and residents of areas classified as the poorest (personal communication with UNICEF Jordan 2018).
61. Since November 2014, Syrian refugees have to pay the same rates as uninsured Jordanians. Those without a Ministry of Interior service card have to pay the 'foreigner's fee', which is up to 60 per cent higher than the uninsured Jordanian rate (Amnesty International 2016). A recent report by the Jordan INGO Forum (JIF 2018) states that the cost of health care is the most significant impediment to refugees' access to health-care services, and that refugees' access to health care has deteriorated since 2016. Although the Ministry of Health passed a decree in early 2016, ensuring free ante- and post-natal care as well as family planning for Syrian refugees with valid Ministry of Interior cards, implementation of the law has remained uneven.
62. ESCWA will launch a report on disability in conflict and crisis which will include a discussion on the situation of CwD in situations of conflict (ESCWA 2017).
63. For a more detailed discussion on the right to social protection of PwD, see ESCWA (2017).
64. *Loi-cadre n° 97-13 du 27 avril 2016 relative à la protection et à la promotion des personnes en situation de handicap*.
65. Other programmes that exclusively target PwD include: *Programme pour la Promotion et Insertion des Personnes Handicapées* (Financial Assistance to People with Disabilities, Algeria), *Le fonds d'indemnisation des victimes et des ayants droit des victimes des événements ayant accompagné le mouvement pour le parachèvement de l'identité nationale et la promotion de la citoyenneté* (Algeria), Physical Rehabilitation Cash Assistance (National Aid Fund, Jordan), Physical Disability Grant (Kuwait), Special Needs Allowance (Social Insurance, Qatar) and Cash Transfers to People with Disabilities (Syria).
66. A different expression (*ajiyi*) is used for those who have lost their mother (IHH 2014).
67. No programme was selected for the SOP, since the legal framework of the country's main national cash programme (PNCTP) is currently under discussion. Two programmes each were included for Algeria, Egypt and Jordan.

68. According to the Executive Bylaw, the selection of target groups/vulnerable households should be based on data available in the electronic system of the National Statistics Center of Iran (created in 2009).
69. Personal communication with UNICEF Egypt in Machado et al. (2018).
70. Zakat Law 2001.
71. Law No. 36 of 1986.
72. Law No. 220 of 2000.
73. Art. 2, 3, 4, *Décret n° 2-08-177 du 29 septembre 2008 portant application des dispositions du livre III de la loi n° 65-00 relatives au régime d'assistance médicale*. For households residing in urban areas, at least two of the following criteria must be satisfied: the poverty headcount in the community of residence is at 30 per cent or higher; annual per capita household income is below MAD5,650; and the living conditions index (calculated on the basis of several socio-economic indicators) must be equal to or less than 11. For households residing in rural areas, the following two criteria must be satisfied: the wealth index (calculated by total household assets) must be equal to or below 70 per capita, and the living conditions index must be equal to or less than 6.
74. *Décret n°2015-279/PR/SESN portant création, organisation et fonctionnement du Programme National de Solidarité Famille (PNSF)*, Art. 13.
75. Note that the current income threshold is the minimum wage (Agence de Développement Social Algérie. n.d.). As of May 2018, the minimum wage is DZD18,000.
76. Personal communication with UNICEF Iraq in IPC-IG (forthcoming).
77. Countries considered here: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the UAE.
78. See Federal Law No. 2 of 2001, Article 5.
79. Legislative Decree No. 9 establishing the National Fund for Social Assistance of 2011, Art. 10.
80. The Civil Health Insurance System and its amendments No. 83. 2004. Art. 2. Jordan.
81. Law No. 27 on Allowances for Children and Wives, 2013. Art. 6. \
82. Law No. 220 of 2000, Art. 8.
83. *Décret présidentiel n° 01-238 du 19 août 2001 instituant une allocation spéciale de scolarité au profit des enfants scolarisés démunis*, Art. 3.
84. For a more detailed discussion on contingency funds, see also the study on shock-resistant social protection systems by IPC-IG and UNICEF (forthcoming).
85. Art. 19.
86. *Décret n° 2-08-177 du 29 septembre 2008 portant application des dispositions du livre III de la loi n° 65-00 relatives au régime d'assistance médicale*, Art. 25, 26.
87. *Loi n° 87-29 du 12 Juin 1987, relative au régime de l'assistance médicale gratuite*, Art. 14. In addition, the AMG is financed by penalties for the non-payment of contributions within the legal deadline, the investment income and valuations of the fund, donations and legacies, and any other resources granted.
88. Law No. 39 of 2008 on Social Welfare, Yemen, Art. 33 (financial resources of the Fund).
89. *Décret n°2017-096/PR/SEAS portant modification du décret n°2015-279/PR/SESN portant création, organisation et fonctionnement du Programme National de Solidarité Famille (PNSF)*, Art. 18.
90. It should also be noted that the authors could not encounter any publicly reported cases of successful appeal mechanisms for any of the programmes analysed.
91. Royal Decree No. M/45 of 2006, Art. 20.
92. Royal Decree No. M/45 of 2006, Art. 21.
93. Sultani Decree 84/87 Promulgating the Social Security Law (1984), Art. 11.
94. Law No. 38 of 1995 on Social Insurance, Art. 15.
95. Law No. 39 of 2008 on Social Welfare, Art. 20.

96. Federal Law No. 2 of 2001 regarding Social Welfare in the UAE, Art. 13.

97. See also Convention No. 102 (Art. 72) and Convention No. 168 (Art. 29).

98. *Décret présidentiel n° 01-238 du 19 août 2001*, Art. 3.

99. It is important to note that the Constitution of Djibouti does not refer to the right to social protection.



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