Chapter Two: Social Security and Social Welfare

Introduction*

The increased focus in development to the centrality of the individual, human rights and human security has already been noted in this work. But many women and men in Arab states and in Arab communities see the family as the locus of well-being and the corner stone of cultural continuity and social stability. The relationship between the individual and the family is a highly charged and historical one that is influenced by the culture, society, the economy and the political trajectory of every state. While the modern nation state is predicated on the concept of the individual citizen, the family is still relied upon to secure the well-being of individuals particularly in times of crises, need, and insecurity. In modern public discourses all over the world both the individual and the family have become highly ideological constructs. Stereotyping individuals as lonely anomic souls or families as obstructionist, monolithic remnants of the past is not a meaningful exercise. But neither is it helpful to idealize individualism or blindly applause and abstract the ideal type of 'family.'

Who or what is causing gender inequity and how we can address these root causes to enhance the situation of women in the Arab world are questions that often lead to further exploration of the family and how it supports and challenges women's security. Chapter 1 describes the relational model of the family to which people and governments in the Arab states subscribe. This is a model that stresses the interactive exchange of rights and duties within the family and which transcends simple materialist accounting of cost and benefit to recognize the tremendous moral value of support and cohesion played by family relations and dynamics. Consequently, polices that integrate women's private obligations, conditions, and needs with public roles, resources, and aspirations are proposed so as to satisfy the needs of the individual without undermining the demands of the family. This formula is neither contradictory nor impossible. It is urgent and difficult since it requires an integrated strategy that recognizes the value of family life and the legitimacy of women's individual aspirations. The need is for policies that address the needs of women from all states, classes, and cultures;

*** Some of the ideas presented in this chapter were formulated while the author was a member of the women and well being sub-group of the Arab families working group. This group of scholars was convened and is coordinated by Dr. Suad Joseph. The author would like to thank the group for the intellecutal stimulation it has provided.**

that integrate their professional and personal lives, including the seemingly contradictory demands of their productive and reproductive roles, but unfortunately have been doing so without the benefits of a supportive political, societal, or economic environment.

Chapter 2 echoes this position, but does so by considering the viability of the current patriarchal family model. The chapter recognizes the importance of the family in providing both men and women, and more importantly children with social security and protection from risk. The value of the interactive exchange of rights and obligations is particularly essential in the provision of security and welfare. However, this part of the report brings into the picture various demographic and social trends that are placing growing numbers of women outside the safe space that families are supposed to provide. The chapter illustrates that these trends are matters of fact and not figments of the imagination and therefore proposes full social citizenship that is unobstructed by ideological barriers or hindered by fictitious fears of family disintegration as the route by which women can realize their needs for social security, and oblige the state rather than the family to provide their welfare entitlements. Full rights of citizenship are entitlements that liberate women and benefit the family. The notion that women's liberation means family disintegration is one that this report finds humiliating and disrespectful to Arab women, since it ignores the voices and views of women and is based on problematic and false assumptions.

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1. Directions of Change and Their Implications

As detailed in the preceding chapter, the situation of Arab women has changed over the past decade. In September of 2003, Kuwaiti women were celebrating their educational accomplishments marked by 30% more women than men as registered in higher education (El-Wasat 2003). Egyptians are breathing a sigh of long-awaited relief thanks to an anticipated change in citizenship law that will permit women to pass on their Egyptian nationality to their children, in contrast to the current law, which only allows citizenship to come from the father. In Oman, shura-council elections included 16 female nominees and the voting age has been lowered from 30 to 21 years of age, thus including women and enfranchising youth.

In January 2004, the Moroccan senate unanimously adopted a new family code to replace the moudawana,[1] which women activists had been struggling to change for decades. The new code raises the legal age of marriage for women to 18 years, restricts polygamy, and decrees that divorce can only be granted in

[1] **Moudawana: A term used in North Africa, Tunisia, Algeria, and Morocco to explain the family code.**

court, thus curtailing men's privilege to verbally divorce women. Most importantly, the code espouses equal rights and duties in social and familial life, thus recognizing the full equality of women within families and marriages. (See Box 1.3 in Chapter 1 on the new moudawana in Morocco).

In Bahrain and Qatar there have been huge gains for women in terms of educational achievement. National councils have also been established for women and for children that recognize the importance of equity, citizenship, public participation, political, economic, and social rights. Most Arab governments are moving in the direction of eliminating structural obstacles towards enhancing the security of women.

In almost every Arab country there are indications of dynamism informing the cause of women's representation and progress. Governments are moving in the direction of eliminating structural obstacles towards enhancing the security of women.

The issues concerning the social security of Arab women must be viewed in the light of these changes and reformulated to better address emerging issues. Social security is defined by the International Labor Organization (ILO) as the protection that society offers its citizens from economic and social distress. What are the continuing threats to social security and how can Arab societies build on current gains? This chapter contemplates the influence of changing physical, economic, and social environments on the social security of Arab women.

1.1. Obstacles to Change

Structural obstacles such as discriminatory laws and practices are being addressed and changed by governments and legislators, yet there remains conservative popular movements against progressive change. The subdued societal endorsement of progressive change has been noted in Chapter 1 of this report. In Egypt the peoples' representatives wished to block women's right to divorce and women's freedom of movement. In Kuwait the liberals have been voted out of a freely elected legislative body. In Morocco, despite the unanimous vote for the new family code, the opposition is challenging its legitimacy in terms of sharia[2] and jurisprudence.

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Women's movements in the Arab world are often fragmented and distracted from a social rights agenda. Many socially and financially well-off women experience social seclusion by powerful gender norms that constrain their options for political participation and equality in the workplace and in their own homes. Millions of poor women, on the other hand, are experiencing social exclusion due to impoverishment; biases in labor markets; the multiple burdens of childcare, housework, and income generation; and the consequences of discrimination at the level of the family and society. Is there a possibility for a movement that encompasses the will, wishes, and needs of such a diverse population?

[2] **Sharia: The canonical law of Islam; jurisdiction based on the sharia, or Islamic law.**

The importance of family and kinship to the social life and cultures of Arabs and those who live in the Arab world is paramount. Chapter 1 has briefly discussed the frustrations and tensions experienced by women attempting to integrate the public and private domains of their lives. The family features in every aspect of Arab identity and influences many life choices: how one lives, whom one marries, if one votes, when one works, and why one does all of these things. This influence is certainly felt by all, but often more so by women. The conflicts that exist between the individual and his/her family have yielded a certain tension that is accentuated by attempts to move to modernity. Arabs prize their families as the vehicle that guarantees survival and continuity. Palestinians in their diaspora thrive because of family and similar mutual support mechanisms. The rural poor all over the Arab world survive thanks to familial ethics and modes of production and consumption. North African émigrés have even managed to maintain families across borders.The working members of the family have often cared for the unemployed and migrants continue to invest in their home communities through the repatriation of remittances.

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But Arab families have gone through a demographic and social upheaval. The demographic transitions in fertility, nuptuality, and child survival have profound social and political implications. Little has been said or done in terms of social and family policies that can insure the well-being of men and women as they live through dramatic demographic changes. Can we assume a cultural and social continuity even when its demographic underpinnings have been transfigured? Analysts have noted the importance of oil in the transformation of life for millions of Arabs (Courbage 1998). The benefits of oil economies affected their own nationals and millions of migrant workers who in turn were able to transform the quality of life and the cultures of the societies from which they came. Times have changed and the region is enduring a time of scarcity. Peace, stability, jobs, oil riches, and alarmingly, water are scarce and becoming more so. How does scarcity affect social security? The answer is not an obvious one. The last decades have shown that plenty did not adequately lead to human development and did not generate viable mechanisms for women's social security and well-being (UNDP 2002). So where should concerns over women's well-being be placed on the agenda of a decade that has brought wars, poverty, and turmoil to Arab societies?

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This chapter presents a narrative discussion of the new meaning of social security for Arab women by taking into account the demographic and economic challenges that women face and by addressing the value of family and the conservatism ideologies that define gender roles in our societies. Arab countries are differentiated by material and historical conditions, but the Arab world is also

shares similarities in its values and cultures; no more so than when the issues pertain to women, families, and gender roles. The previous chapter places the status and achievements of women within the context of existing ideological paradoxes that shape and often hinder full attainment of desired goals. This chapter notes incremental movement towards social development, but more importantly, will view the political and cultural constraints, in the context of the family, that place women's social security at grave risk and which form sometimes concrete but often-invisible obstacles for Arab women's realization of equity and empowerment.

2. Arab Women and Citizenship

The citizenship of Arab women has been previously discussed in several publications and meetings (Joseph 2000, Charad 2001, Mediterranean Development Forum 2002, UNDP POGAR [Program on Governance in the Arab Region]). The current discussion builds on the rich fabric of knowledge, activity and creativity woven by the above-mentioned scholars/initiatives. Citizenship as an identity that women can bestow on their children and as a concept that justifies and legitimates women's participation in the public domain are two fronts along which many governments and activists have realized significant results. But citizenship as inviolable rights that are not contingent on gender and kinship is an unrealized goal. This concept of citizenship is composed of two basic components: rights and the means of accessing these rights. Constitutions secure political equality for men and women and full political citizenship through equal voting powers. Thus, on paper in many Arab states, women are citizens, but there are many social rights and benefits that remain inaccessible to women except through the medium of the family.

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Social citizenship is the core concept behind the modern welfare state. The most basic definition of the welfare state is that ". . . (I)t involves state responsibility for securing some basic modicum of welfare for its citizens" (Esping-Andersen 1990: 19). The relationship between citizenship, security, and women's position in the family will be explored in the following paragraphs.

The entitlements of women as defined in the Beijing Platform for Action (BPFA) and myriad other international conventions and covenants include health, education, protection from gender-based violence, full social and political participation, and access to livelihood and markets. The state may choose to directly provide services that enable women to access these rights such as free health care, education, secure employment, and quotas for women in public administration and offices. It may also pledge to create an environment which enables women to change the reality around them and to actively claim these rights.

For these rights to constitute social citizenship they must be inviolable. Research and empirical evidence has shown that the privatization of health and education can exclude the poor from these services as their limited resources may be directed toward other essential needs. To ensure the social well-being of women a social policy needs to be created that renders them social citizens with inviolable rights. So far, the stress in Arab countries has been on the role of the family in ensuring social security and securing livelihood for women without reliance on the market. The neglect of national social security schemes in many Arab countries provides strong evidence of this implicit 'non-policy' (Bibars 2002). The questions now are: is this a realistic expectation and, indeed, is it a viable one?

Despite their diversity, all Arab countries are witnessing immense social and demographic changes that have implications for the structure and function of families, and many are clinging tenaciously to the idealized concepts and assumed gender roles and relationships of the patriarchal family as the mainstay of social policy decisions. The discussion at hand reviews these demographic challenges and argues for informed family policies and a reconceptualization of the relationship between women, family, and social security.

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2.1 The Difference between Development and Security

Human security brings together the elements of security, rights, and development. Human development as an approach to addressing social and economic problems has shifted the focus of development from inanimate things such as commodities to the enrichment of human life. This approach is 'expansionist' and centered on growth and positive gains. Human security supplements the focus on human development by paying primary attention to the risks and insecurities that threaten survival, safety and dignity of men and women. Human security shields citizens from the risks of development and brings these risks into focus (Sen 1981: 8). Social security is a component of human security. It means not only providing people with basic services and rights but also insuring their ability to claim these services and rights. To understand social security of women in the Arab world, this chapter goes beyond the estimation of women's structural position to reflect on how women can claim, protect, and enhance their access to services and rights over their whole life cycle.

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In the Arab world, it is assumed that families provide women with social security and welfare. It is in the name of family and the traditions that inspire our understanding of families that some Arab states have expressed reservations to various articles in the Convention for the Elimination of

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Discrimination against Women (CEDAW) and have been reluctant to comply with other global initiatives that aim to enhance the situation of women. (See Annex 2). Are Arab families able to provide security and welfare to all members including women? Can the family be a type of welfare regime?

Welfare as analyzed by Esping-Andersen (1990, 1996) is the outcome of the roles and inputs of the state, family, and labor markets in sustaining the livelihood, entitlements, and well-being of individuals in society (Bugra and Keyder 2003: 12).

Historically many Arab states have managed to provide welfare to citizens by relying on the 'private' mechanisms of charitable religious and other foundations, personal patronage and generosity and most importantly the family. Locating women in the family has been a feature of gendered social analysis but has yet to become the mainstay of gendered social policy. The situation of Arab women in 2004 remains insecure however as social security for women remains inadequately provided for. Who can extend social security for women over the life cycle? Economic transformations noted in Chapter 3 are placing insurmountable obstacles in the face of Arab citizens in every Arab state. When people cannot realize a decent livelihood, their social security is particularly at risk.

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While welfare is not a gender specific issue, many of the 'socially excluded' in the Arab world are women. In order to be protected by the family, many women are required to ascribe to traditional gender norms that limit their opportunities. Women may choose to adopt these roles and their choice should be respected. But they must not be forced to do so for lack of access to other sources of welfare and security.

States must see the reality of social change rather than be blinded by erroneous social assumptions. In the midst of economic transformations and adjustments much has changed. The single male breadwinner providing for the present and future of his family is one of these misconceptions. This model plagues existing social security and welfare regimes and places women and children at risk. Similarly, states that have social policies that provide health and social insurance for all who are formally employed but which make lesser provisions for those engaged in informal, temporary, or non-market relations of production are acting on the basis of a misconception which deprives the most needy of that which they most need, social security. States that also rely on the family and on private initiatives to provide and promote welfare and to deal with risks and traumas are ignoring the strains and limitations placed on these private and important institutions and resources by economic and social transformation.

The fabled ('fabled' because the participation in reality is higher but erratic and un-measured) low levels of female labor force participation mask the working lives of many women. Many observers acknowledge that women work all the time. They work in informal markets, they work for their families, they work part-time, they work for no pay, and they very often work with no social insurance except the good will of those who employ them or who use their labor. The kind of flexible production systems that create such income-generating opportunities for women in the short term extend no social benefits or security in the long term (Bugra 1997: 4–7). Women who completely forgo their earning powers rely on male (or other female) family members to provide for their livelihood, times of sickness, and old age. Looking at the very low rates of female labor force participation in the Arab world one is left to wonder how to categorize the non-formally employed. How many millions are dependent on men (or other women) who may or may not be gainfully employed or able to extend social security benefits and how many other millions are engaged in unfavorable market relations that may provide temporary or current income but cannot address the risks that women face? According to a recently released World Bank report on Gender and Development in the Middle East and North Africa (MENA), only 32% of women in the region are active participants in the labor force. This rate is the lowest in the world, compared to some 80% in East Asia and the Pacific, 70% in Europe and Central Asia, and 65% in sub-Saharan Africa. This rate implies that social security for the vast majority of women is either non-existent or depends on the employment of others.

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The deficiency of social security coverage is not only an economic concern but is also a social one. There is a dearth of understanding regarding how families can cover the social security deficit and the limitations of them doing so. Moreover, there is a need to honestly and directly discuss the entitlements and security of non-working, single, un-married, and elderly women. To do so requires us to question if families can provide social security and if so to whom and at what price.

It is also important to explore women's social security over the life cycle. Women in their early reproductive years, if one assumes that they are married and fertile, likely have better chance of gaining some social security from the family unit. However, women who enter their old age without a pension may find themselves entering into poverty. This does not assume that social security is a simple matter of money. Welfare, meaning the provision of services and transfers—the exchange of wealth or goods through non-market mechanisms such as marriage, inheritance, charity etc.—implies both material and moral

resources. Security lies not only in the ability to thrive and survive but also a life of dignity and freedom.

This departure from status to security and welfare also challenges current international discourses as propagated by a variety of international, particularly international financial institutions. On the one hand, continuing emphasis on liberalization of economies and reduction of public expenditure are promoted as ideal economic scenarios. But this ideology of structural adjustment is coupled with the promotion of social policies that aim at gender equality and the improvement and empowerment of women. The World Bank has recently taken up the cause of social protection as a response to growing levels of impoverishment in the Arab world and the Middle East region in general (World Bank 2002). The World Bank's concern with protection is assumed from an economic point of view and made in response to demographic changes that are increasing dependencies in Arab countries. The surge in unemployment figures and the inability of Arab economies to provide employment opportunities are making social protection a critical and dire issue. At this point in time it is not clear how these events impact gender, gender equity, and social security in the Arab region. The World Bank acknowledges that the close kin and family relations characterizing the Arab world play an essential role in mitigating the effects of trauma and crisis. The effects of poverty, unemployment, social ruptures and conflicts are also supposedly cushioned by the family and diffused through its networks (World Bank 2002: 50–51). As mentioned above, the family does continue to play a key role in social security, working members provide income to people during times of unemployment and family abroad continue to send remittances home. Yet more attention needs to be placed on the stresses the family faces in providing this security, and the limitations and risks for women's security in the family need to be identified and explored.

Welfare regimes can no longer be associated with rich countries only.

This 'cushioning effect' provided by the family may help states to continue in programs, policies, and politics that have adverse affects on individuals, yet the fiber of kin and family ties gets frayed and torn during times of insecurity. Individuals within families and the families as a whole are placed under stress that jeopardizes their ability to continue as valuable and effective social mechanisms of protection and security.

Social security must be provided at the outset to ensure all individuals are protected from the risks and secure opportunities from globalization.

In a time of globalization and volatile capital flows it is imperative to focus on human security and social welfare. Amartya Sen and others have argued for social welfare as necessary if globalization is to realize a goal of prosperity. In other words, welfare regimes can no longer be associated with rich countries only. They are not something that can be discussed only after a country has

reached a certain standard of economic growth or integration in the world economy. Social security must be provided at the outset to ensure all individuals are protected from the risks and secure opportunities from globalization. Families cannot be relied upon to protect the rights and security of women.

2.2. Departure from the Measurement Trap

The work at hand will attempt a gendered and humanistic approach to social security in the Arab world. A first feature of this approach is a critical look at statistical averages as the language of development and empowerment. Consequently, five methodological points may be in order.

1. Measurement of social indicators is invaluable as a tool to monitor progress and growth. Yet, to fully understand the security of women, analysis must focus on the experience of women and pay close attention to those who have been on the margins and not represented by statistical trends.
2. When we consider the rates of education among women or their access to public services such as health, we are measuring social characteristics in isolation from the social relationships which engender them. Women all over the Arab world are claiming health and education as well as entering new fields of work and public engagement. But where are these claims taking women and do they give women social protection? What is the relevance of numerical readings if they are not creating entitlements that women can translate into capabilities? (Sen 1981) More importantly, these measurements imagine social security as a behavioral and individual responsibility and not as a systemic and social possibility and concern.
3. Another problem with simple measurement of prevalence concerns the indicators themselves. In pursuit of a universal language that can comparatively gage achievements and targets, the discourse of gender has forfeited the ability to contextualize and give depth and meaning to these indicators. Of course, maternal mortality is a vital outcome measure, but what about maternal morbidities that may be compromising the quality of life for millions? Chapter 1 has described the need for a better informed gender-knowledge base. We need to know the meaning behind the numbers and the implications of trends.

Box 2.1: Maternal Mortality in Egypt.

The alarmingly high maternal mortality rate of 170+ maternal deaths per 100,000 live births in the mid-1990s was tackled as a priority by the Egyptian Ministry of Health. The current rate is down to 84 per 100,000, which is quite a remarkable achievement. Health authorities invested time and effort in both addressing the direct and indirect causes of maternal mortality through interventions and training, but also by maintaining a research momentum to measure the outcomes of these interventions.

Protocols for emergency obstetrics were devised and disseminated. Likewise, the initiation of a midwifery course to train qualified service providers and replace existing traditional birth attendants are examples of intervention. Most importantly, the conclusions of maternal mortality studies that laid the blame at the door of sub-standard care in medical facilities were taken seriously and accepted.

But another study that looked at normal obstetric care found that medical service providers still practice un-standardized care that could contribute to maternal morbidities. The focus on mortality saves many lives, but attention to quality of care and maternal morbidity has implications for the quality of life of millions of women and their newborn babies.

The World Development Report for 2004 from the World Bank focuses on how public and private services fail the poor. The report argues that freedom from illness and illiteracy will remain unrealized goals unless there is a marked improvement in human welfare and the services that are supposed to provide it (World Bank 2003).

Of particular importance for women's security is understanding women's experience with these services, as well as their access to them. Measures must focus not only on the quantity of services but also the quality and what these services actually do and don't do. Some researchers have pointed to the indignity of the schooling experience for girls in Egypt (Population Council, 1999). If schools can make girls feel ashamed or inept, can school registration remain a relevant measurement? There is sustained growth in public expenditure on education in most Arab countries, yet this increase goes primarily towards the payment of wages. Education is a personnel-intensive public service, so that fact in itself is not the problem. But what is the quality of work of those drawing the wages? The current awareness reflected by the above mentioned World Bank report is that the quality of services can lead states to rethink prevalence and other quantitative measurements. The report states:

"Improving the delivery of key services such as healthcare and education to poor people is critical to accelerate progress in human development,

because more public spending by itself will not do it," says Jean-Louis Sarbib, the World Bank's new Senior Vice-President for Human Development, and former Vice President for the Middle East and North Africa Region of the World. "The Middle East and North Africa (MENA) region spends more on public education than any other developing region, and yet it has some of the highest rates of youth illiteracy in the world. A girl in MENA is as likely to be illiterate as a girl in sub-Saharan Africa, which is a much poorer region" (World Bank 2004).

Figure 2.1 shows alarming levels of illiteracy among women in the Arab world. Some of them are women who grew up in the decades when free schooling was available and ranked as a national priority. These figures suggest there are great problems with the quality of education that may be masked by the prevalence of registration in primary education.

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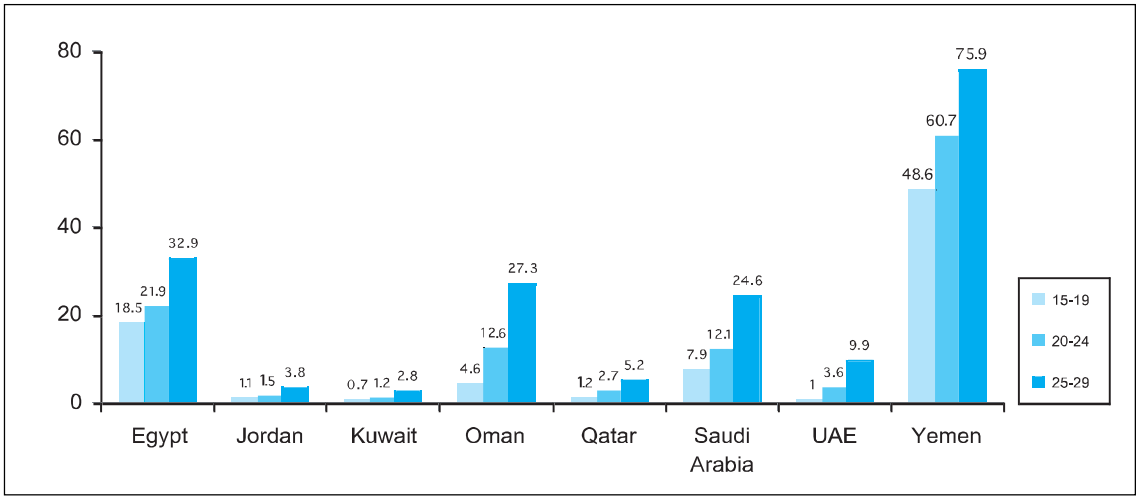
Figure 2.1: Percent of Illiterate Woman by Age Group for Arab Countries



Source: (1) Demographic and Health Surveys; (2) Family Health Surveys.

Social security should be viewed as a humanistic experience with women at the center and should not assumed to be secured by macro-level policies.

4. Measuring behavior can also be misleading if it lacks the social and political context that gives human behavior meaning. An enriched reading of measurement with descriptions of the actual impact of these achievements on women, men, and their children is needed.
   For example, consideration of the cumulative impact of gains on the quality of life women and the social dynamics that govern it must occur. In reference to women in society and to the existence of a feminist movement and a lobby for women's issues, are women more united or are they fragmented? The processes by which change is enacted must become part of the measurement of change. Issues of governance, freedom, public participation, and social consensus merit contemplation. If women can only access their rights by royal or presidential fiat, how can they guard and claim them as ordinary or poor citizens? The Economic and Social Committee for Western Asia (ESCWA) has attempted to examine this and its Arab Women's Gender Indicator tries to look at outcomes as well as at legal and political/moral context. It is yet to be seen if this index is useful or measurable (ESCWA 2003).
5. It is deceptive to only measure change and neglect the continuity of practices. To understand social security we need to understand both aspects of social behavior. Are there resources that have been lost to people and societies as a result of the rapid and turbulent changes witnessed by the Arab world?

These five reasons suggest a break with the existing practices and suggest a descriptive approach that views social security as a humanistic experience with women at the center which cannot be measured by strictly macro-level measurements and indicators.

The components of this approach are:

1. A narrative account of how existing laws and practices detract from the social citizenship of women in the name of the family.
2. Identifying vulnerable groups of women are that are not covered by traditional social security.
3. Recognizing the current social security options for women.
4. Clarifying what needs to be done in the future.
5. Identifying the existing challenges to the success of a gendered social security approach in the Arab world.

3. Family Matters and Women's Social Citizenship

Women living in Arab Countries have the highest fertility rate of any region and the lowest labor-force participation rate. Averages mask stark differentials. Some

Arab countries have below-average fertility rates (Tunis and Lebanon), while others still project double the global rate (Saudi Arabia and Yemen). Likewise, low labor force participation is not the same in all Arab states where some illustrate the entrance of women in less traditional spheres of work such as in Lebanon and Oman. Despite steadily falling total fertility rates and rising rates of contraceptive prevalence, the high population increase, coupled with low rates of labor force participation, reflects the values of patriarchal society. Women still tend on average to stay at home and have children.

The strong familial ties of Arab society have their rewards in terms of social cohesion and the creation of social support mechanisms that have unfortunately, been tested repeatedly in our modern history. In a speech on Arab women, Princess Basma Bint-Talal of Jordan explained:

> ***Arab society is a collective society in which family and clan relationships play a prominent role. This collective social approach has saved Arab women and their societies from much of the modern social strains that are common in other societies, including advanced industrialised countries. There is less hunger and starvation among the poorest Arab societies than in other regions. Drugs and prostitution is limited, rape almost non-existent, single-parent families and births outside marriage are also very few. Community violence exists, however at a lower level than most other societies; and polygamy, although it still exists among the less advantaged groups, is becoming more unusual. This collective social approach, however, did not greatly assist in spurring women to work outside the home. The family, in most cases, provided them with shelter, basic necessities and a relatively secure future, which meant there was little incentive to look for a job or seek other remunerative sources of employment (International Institute for Labour Studies 1996).***

The moral conflict between women's rights as individuals and their duties and obligations as wives, mothers, daughters, and sisters is an undeniable and overwhelming concern in the minds of both women and men.

Countries in the Arab world have used the protection of the family in line with Islamic injunctions as the bedrock of various reservations to CEDAW. Moreover, the moral conflict between women's rights as individuals and their duties and obligations as wives, mothers, daughters, and sisters is an undeniable and overwhelming concern in the minds of both women and men.

It is important to dissociate family values from family functions. A critical consideration of what families can and cannot do is in no way an attack on the ideal of families as corporate units that insure the well-being of their members. However, many women's advocates believe that providing an alternative means to enable women to access their rights and security does not undermine the fam-

ily, but does challenge the state to secure women's political rights and full citizenship. Some forces in Arab society fear this citizenship, assuming that if given choice women will turn away from family obligations and relationships. There is no empirical evidence to support such fears or to assume that women must be bound into family relationships rather than be given the options to forge them.

3.1 Vulnerability within the Family

Many women's advocates believe that providing an alternative means to enable women to access their rights and security does not undermine the family, it merely challenges the state.

Existing laws, practices, beliefs, and biases detract from women's social citizenship in the name of the preservation of the family unit. Many men and women think that independence and equality can threaten the harmony of marital relationships. Many women in Arab societies may rationalize gender inequality and accept a degree of control, a measure of submission, and even a modicum of violence in the name of family survival and tranquility. Although there is little data on social norms, a look at the culture, ideology, social, and legal practices in the Arab states demonstrates the perception of tension between individual rights and family obligations.

Although there is little data on social norms, a look at the culture, ideology, social, and legal practices in the Arab states demonstrates the perception of tension between individual rights and family obligations.

Arab societies are organized according to principles, informed by moral and religious codes, which place rights and obligations on men and on women in families. This ideology distinguishes family members according to their age and their gender. The young respect and obey the old; the women conform to the wishes and needs of men. In return, women and the young are protected and supported by elder males. In a sense, this ideology aims to provide social protection to those who need it. If men are privileged with power they are bound to shoulder a moral and material responsibility as well (Moghadam 1993: 102). This bargain is sometimes referred to as 'the gender pact.' The bargain is called into question by poverty, male unemployment, celibacy, infertility, marital breakdown, and other social and familial traumas. Since social security looks at risk, not just potential, an estimation of the tensions that challenge the workings of the Arab families and the viability of this pact is needed.

There are juridical grounds in Islam to preserve welaya ('guardianship')[3] over women and minors and to obligate men as providers. The rational for both provisions is the social protection, not oppression, of women. Islam also gives kawama ('superiority')[4] to men over women, but only in the context of the family and only as a function of their knowledge and ability to support the family

[3] Welaya refers to the rights of men to make financial decisions. Such a right is clearly associated with the role of men as the sole breadwinner, a role that is no longer confined to men in the family.

[4] Kawama is introduced in sharia to describe the responsibility of men for their families derived from the income they spend and the endowments that were bestowed on some of them. It is being misinterpreted by the lay public as implying a superiority of men over women despite the existence of more rational interpretations by religious leaders

financially. In other words, this preference is neither absolute nor is it a condition that all men enjoy (Bayoumi, n.d.: 11). The fear that male kawama and women's economic or legal independence are mutually exclusive is a very conservative interpretation of the concept of kawama (Stowasser 1987). Does kawama really mean that women must obey men in all their biddings? Does it mean that it is 'wrong' for men to help in domestic or child caring chores? The majority of Muslims think better of their religion than to perceive it as an ideology of oppression. Despite this, conservative and fundamentalist interpretations persist.

A more important point however concerns the role of the state and it legal and administrative codes and conducts. Male kawama does not obligate the state to 'abandon' women. For example, if a woman faces domestic violence , kawama does not eliminate the obligations of a state to provide shelters for women, promote the rights of victims of violence, or lobby against violence in general.

Even when the law is on the side of women, the executive and security apparatuses often are not. This applies to other religions and not just Islam. If individuals ignore obligations towards dependents, how effective is the state in claiming social rights on behalf of women, children, and the elderly? Family support in times of crisis is assumed to be automatic and is obligated by all religions. However, this support is often conditional on the quality of family dynamics and relationships. Given the many stresses on families explored above, the state is required to be the arbitrator and guarantor of women's rights as citizens.

Feminist scholars of Islamic jurisprudence such as Barbara Stowasser, Laila Ahmed, and Fatima el-Mernissi have long argued for the reinterpretation of family laws in light of the spirit of equity and rights so integral to the Islamic faith and the holy Qur'an. There is an established recognition of the paradoxes and contradiction inherent to most legal and religious codes that fragment women's citizenship and stand silent on issues of equality within the family. This chapter is not about jurisprudence or fiqh. It is about social and demographic realities and needs. As complicated and controversial as the principle of kawama may be, surely it is a principle that needs to be revisited. Many have rejected the principle outright. But even if the principle is acceptable to some, this acceptance cannot be an unqualified one. Do all men have the right to kawama regardless of how well they fulfill the obligations that this license entails? The holy Qur'an is explicit in qualifying kawama as predicated on expenditure and endowments (see Chapter 1). Lay interpretations of this religious provision as a license for all men to be superior to all women is not an accident but a product of a patriarchal political and juridical environment.

In Arab societies, constitutions have offered equal rights to males and females within the family. Nevertheless, state institutions have presumed females to be

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Revisiting family codes and laws is not only a messy and sensitive political necessity, but is also urgently needed.

dependent on males, a situation which deprived women of many of their rights. State institutions and laws continue to have great influence on women's reproduction, maternal rights, productivity, and wealth. Some scholars argue that laws regulating marriage, inheritance, and property are among the formal means through which the nations define and maintain their economic and therefore their political strength. Thus, legislations controlled and protected the productive and reproductive outcomes of women and not women themselves in order to benefit the community and male members in the family (Joseph, Suad 1996: 4–10).

Revisiting family codes and laws is not only a messy and sensitive political necessity, but is also urgently needed. The number of Arab states that have expressed reservations to CEDAW on the basis of Islamic family laws need to explain how they are addressing demographic, social, and economic transformations and their implications to the well-being of the family. They also need to express how their interpretations of religious principles might be affected by these transformations. Arab states have so far been careful to incorporate religious sects into juridical communities pertaining to family codes that regulate marriage, divorce, inheritance, and child custody. In doing so, some scholars argue, they ensure the subjection of women to the patriarchal control of male relatives and clerics in their communities (Joseph, Suad 1996: 4–10).

Happily, times are changing and several Arab states have successfully reorganized their family law codes and revisited the concepts and principles upon which their codes were built. Morocco provides the most recent example. The participatory and consultative process by which the new family mudwana was born rejects the model of the man as the source of income and power in the family. Egypt has also come a long way in recognizing the importance of extending social citizenship to women and giving them the right to pass on citizenship, the right to mobility, and the right to initiate divorce. The Family Courts, to be initiated in October 2004, are another positive step that facilitates the lives of women at risk.

These changes are not only advantageous for women. As one scholar mentioned, if Muslim men fear losing traditional privileges, they need not do so, for they will also in the process lose traditional burdens (Kabeer 1998). Either way, asking these questions and coming up with creative and equitable solutions is not a choice but a necessity. Moreover, and more importantly, if there remains debate as to the relative power within the family for men vis-à-vis women, this does not explain in any way why the state protects male privilege and power.

Surely the state should not adopt a patriarchal character. It cannot favor half its citizens over the other half. The state can surely fulfill its obligations by providing women with alternative welfare resources, public access, and secure

political citizenship.

In this section, the chapter presents examples of how the family and women's citizenship and human rights are (mistakenly) posited as in competition with one another. There remain practices and even some laws that place women in a position of vulnerability vis-à-vis other family members.

3.1.1 Inheritance

In many Arab countries inheritance is governed by Sunni Muslim law, which allocates inheritances differently between men and women. However, in some instances, particularly in rural areas, customary rules exclude women from inheritance all together. Under the Egyptian legal system, inheritance is a matter of personal status governed by the relevant provisions of religious law. The Egyptian Inheritance Act No. 77 of 1943 stipulates that women can inherit and transmit property in the same way as men, the legally specified proportional shares depending on the degree of kinship. If a man and a women have an equal kinship-based inheritance right, the male is entitled to double the share of the female, as stipulated in the Holy Qur'an (United Nations 2000b: 21). This bias is sometimes justified based on assumed gender roles. Men are perceived as financially responsible for families. It is therefore argued to be just to privilege men in inheritance laws because women have fewer financial obligations. In practice, however, women often shoulder heavy financial responsibilities. A woman may have family support from a brother or a husband in name only, and in practice she may be obliged to rely on herself to secure the material well-being of her children, parents, and herself.

There remain practices and even some laws that place women in a position of vulnerability vis-à-vis other family members.

Shi'i inheritance laws permit daughters to inherit from their parents even in the absence of the 'isba[5] of a male heir, meaning daughters can inherit their full inheritance regardless of whether they have a brother or not. In Sunni law, a daughter inherits only half and daughters can only inherit a maximum of two thirds of a parent's property with the rest being distributed to other male relatives. This is an aspect of Sunni inheritance law that obliges daughters to split their inheritance with uncles and male cousins.

A woman may have family support from a brother or a husband in name only, and in practice she may be obliged to rely on herself to secure the material well-being of her children, parents, and herself.

3.1.2 Restricted freedom of mobility

Many Arab countries retain laws that inhibit a woman's freedom of movement unless she is accompanied by a male relative (as in the KSA) or has the explicit approval of her guardian. Such restrictions assume that family stability and well-being are contingent on women's restricted mobility and physical presence.

[5] **'Isba: paternal relations; Shi'i inheritance laws that permits daughters to inherit regardless of whether they have a brother or not.**

Legislation is thought to be protecting the family unit from harm that may befall it if freedom of movement for either of the spouses is guaranteed. Yet through this legislation, only women's freedom of mobility is restricted.

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3.1.3 Women and violence: a family occurrence

Studies of violence have shown that whereas the rates of people experiencing violence may not vary between men and women, there are important gender differences. Women experience violence within the family whereas men are more likely to experience violence in non-familial settings.

The BPFA and CEDAW defines gender-based violence as "any act… that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" (United Nations 1995: 15). According to this definition, the private sphere is part of international law; women have status as individual subjects of international law.

The Platform declares that violence against women is a violation of their human rights and fundamental freedoms as well as an obstacle to the objectives of equality, development, and peace. It also notes that while women's low social and economic status can be both a cause and consequence of violence against them, violence is a phenomenon that cuts across all cultural, class, and economic lines (United Nations 1995: 15).

Violence is cited in the BPFA as "one of the crucial social mechanisms by which women are forced into a subordinate position compared with men." It exists as a result of historically unequal power relations between men and women. Furthermore, stereotypes promoted by the media and a lack of education contributes to continuation of these practices. The Platform lists numerous examples of violence directed against women, among which, violence directed toward women by their families including sexual child abuse, marital rape, female genital mutilation, as well as other sorts of physical, sexual, and psychological violence (United Nations 1995: 15, 16).

The origin of honor killings relates to cultural norms whereby males proclaim the right to defend their honor through maintaining the honor of their female relatives. Such cultural norms continue to be supported by the penal codes of the countries.

One of the most perplexing manifestations of gender based familial violence is that of 'honor killing.' Many crimes are committed in the name of honor in Arab countries, and many suicides are honor related. The origin of honor killings relates to cultural norms whereby males proclaim the right to defend their honor by maintaining the honor of their female relatives. Such cultural norms continue to be supported by the penal codes of the countries. When charges are made against perpetrators, courts are generally lenient with the accused perpetrators of the crimes as their crimes are thought to be out of their control—rationalized by their mental and psychological condition described as a "state of rage and anger"

(UNIFEM 2002: 50). Domestic violence is notoriously difficult to measure. Men do not want to talk about it and women are also reluctant to report or flee from it resulting in general under-reporting (UNIFEM 2002: 30).

According to the Jordanian criminal statistical report, honor crimes constitute 9.3% of the total crimes committed in the Kingdom. In 1999, Jordan's Family Protection Department dealt with 507 cases of family violence, of which 37.9% or 192 cases were crimes of honor, which represented the highest number of cases among other case types. In addition, reported cases from the telephone advice hotline have shown that family violence constituted 68% of the total number of reports or complaints (UNIFEM 2002: 29, 30).

In the case of Lebanon, the legal system's handling of 'honor crimes' has been subject to change since 1991. The government has begun to increase sentences on violent crimes in general and to seek punishment for men who commit crimes of honor (UNIFEM 2002: 41–42).

In the case of Iraq, domestic violence increased in tandem with economic and social insecurities in Iraq under Saddam Hussein's rule. The NGO REWAN reported that domestic violence, particularly honor killings, is among the most serious problems Kurdish women have been facing in northern Iraq. According to the statistics recorded by a study conducted by the REWAN Women's Information and Cultural Centre (RWICC), about 3,979 women were killed in the north as a result of domestic violence in the 1980s. In addition, in some instances, women were killed by their male relatives because they were raped in their homes by visitors or acquaintances.

Box 2.2: Wife Beating in Arab Countries

Despite efforts to criminalize domestic violence , cultural norms and socialization persist in presenting this behavior as natural. A study in Algeria showed that the socialization of children implicitly condones boys beating girls in the name of "adab" or the imposition of good behavior, Suad Joseph noted the same thing in her work on Lebanese families.

Activists in Morocco have also distinguished between cultural attitudes that condone violence against women and the attempts to chastise or criminalize these acts. This distinction is important because until there is a cultural consensus that rejects gender based violence, official and collective initiatives to criminalize, although important, will fail to achieve their intended affects. As long as gender based violence is thought to be natural, victims will not be able to recognize or redress the crimes to which they have been subjected (Hamou 2003,

Joseph 2000, Alkhamiri 2003, CEDAW 200: 65–66, UN 2000b: 20).

Efforts in many Arab countries such as Morocco, Jordan, Egypt, and Bahrain are currently underway to not only legislate against domestic violence but also to create an environment of rejection to these practices. In Morocco and Egypt the government and NGOs have set up shelters for women who have been abused. At the legal level, there are attempts to recognize acts of violence that take place within marriage as criminal. Moreover, women's groups are addressing the public through efforts to publicize violence and bring legal actions against its perpetrators. In terms of education, Morocco is introducing human rights into its curricula.

3.1.4 Female genital cutting

Female genital cutting is a form of gender-based violence that is only practiced in Egypt and Sudan to the exclusion of all other Arab states. Unlike male circumcision, it is not religiously prescribed. Awareness of the detrimental impact of this practice on health and sexuality are well documented and efforts to eradicate it are well under way. We note this practice because it is another act that takes place within families and in the name of forging new families (through ensuring the marriagability of girls). For strategic and cultural reasons explored earlier in the paper, current campaigns focus on the health consequences of this practice to discourage families from circumcising their daughters, do not fully adopt a stance based on circumcision as a transgression on the individual human rights of girls and women. Reluctance to advocate the issues using rights-based justification remains a concern for activists and others in the region.

There is concern that current campaigns focus on the health consequences of this practice to discourage families from circumcising their daughters, do not fully adopt a stance based on circumcision as a transgression on the individual human rights of girls and women.

Public/official acceptance of acts of discrimination, restricted mobility and violence as a 'family affair' is a clear violation of women's rights and an abrogation of the social contract whereby governments are obligated to protect and serve their citizens. The problem for women trying to go beyond family boundaries of support is that they are often left legally defenseless in their times of social need and crisis. Girls and women in the Arab world still find it difficult to acquire official papers, register for school, travel, borrow money, or even in some cases have medical procedures without family support or male guardianship. These requirements are dictated by both the law and by societal customs and norms. There is no rationale to maintain such distinctions between men and women in families. Helping women to attain voice and choice within the family is a better choice for all. Thus women would be partners to men in supporting and protecting the family rather than possible victims of this vital institution in society.

3.2 Women Outside the Congenial Gender Pact

As mentioned above, women often concede public rights and space in return for private security and dignity over the life cycle. In spite of this, these women may face great insecurity rather than protection. Yet some women, due to a variety of circumstances and conditions, may face even greater risks such as women who are never married, divorced women who do not have a husband to support them economically and emotionally but may have children, infertile women who lack the economic and social security that children may offer to parents particularly in old age and who are at great risk of having a co-wife. Many women in such circumstances are left to their own devices or are reliant on the good will of their natal families.

However, while marriage is near universal in Arab countries, it is changing. As seen by the tables below, some women are opting not to marry and in some countries there is a significant delay in age of marriage (See Tables 2.1–2.3 below).

In Arab societies, constitutions are usually gender neutral. Nevertheless, state institutions have presumed females to be dependent on males, a situation which has deprived women of many of their rights.

Table 2.1: Marital Status among Females 15–49

Country	year	Single	Married	Widowed	Divorced
Algeria	1992 (3)	46.4	50.1	1.3	2.2
Bahrain	1995 (2)	46.9	49.5	1.7	1.8
Egypt	2000 (1)	31.9	62.9	3.4	1.8
Jordan	2002 (4)	45.6	51.7	1.5	1.2
Kuwait	1996 (2)	43.5	50.6	2.2	3.7
Lebanon	1996 (3)	47.9	49.1	1.7	1.3
Morocco	96/97 (3)	43.5	51.9	1.9	2.7
Oman	2000 (5)	45.5	50.2	1.5	2.8
Qatar	1998 (2)	45.0	50.3	2.0	2.7
Saudi Arabia	1996 (2)	44.2	52.8	1.4	1.6
Sudan	92/93 (3)	43.2	51.4	2.2	3.2
UAE	1995 (2)	45.8	49.3	2.6	2.3
Yemen	1997 (1)	28.3	67.4	2.0	2.3

Source: (1) Demographic and Health Surveys; (2) Family Health Surveys; (3) Maternal and Child Health Surveys; (4) Jordan Population and Health Survey 2002; (5) Oman National Health Survey 2000

Table 2.2: Marriage Prevalence

Country	Percent of never-married women aged 15-49			Percent never married (2)			
				30-34		35-39	
	Base year(1)	% at base year	Recently (92-98) (2)	Male	Female	Male	Female
Algeria			46.4	28.6	13.2	6.8	6.4
Bahrain	1960		45.3	28.7	20.4	14.1	8.9
Egypt	1961	15.4	31.9	16.8	6.2	6.1	3.0
Jordan	1970	26.4	45.4		19.3		10.2
Kuwait	1973	23.6	43.6	20.9	16.8	6.4	11.3
Libya		15.7	61.2	42.0	27.9	10.9	10.5
Morocco			43.5	35.5	24.6	14.7	11.5
Oman			35.6	8.7	2.5	5.0	0.7
Qatar			45.1	22.5	19.8	9.0	10.7
Saudi Arabia	1973		44.2	13.6	6.6	5.3	2.6
Sudan	1970	15.1	39.3	39.1	16.5	16.1	7.0
Syria		25.8	44.2	22.5	17.0	7.2	8.8
Tunisia			44.8	26.1	18.9	8.8	6.0
UAE			45.8	12.2	9.6	4.5	2.8
Yemen			28.3	8.5	3.9	4.1	2.1

Source: (1) Rashad and Khadr 2002; (2) Rashad 2003

Table 2.3: Changes in Age at Marriage

Country	Year	Year of comparative	Singulate mean age at marriage				Change (Current - Comparative year)	
			Mean at comparative year (4)		Current mean			
			Male	Female	Male	Female	Male	Female
Algeria	1992(3)	1948	26.0	20.0	30.1	25.9	4.1	5.9
Bahrain	1995(2)				29.7	26.7		
Egypt	2000(1)	1960	25.9	19.8	28.2	22.7	2.3	2.9
Jordan	1997(1)	1961	24.8	20.4	26.9*	23.9*	2.1	3.5
Kuwait	1996(2)	1965	25.1	18.9	27.6	25.3	2.5	6.4
Libya	1995(3)				32.0	29.2		
Morocco	96/97(3)	1952	24.5	17.3		26.4		9.1
Oman	1995(2)				26.0	22.0		
Qatar	1998(2)				28.8	26.5		
Saudi Arabia	1996(2)				27.7	24.2		
Sudan	92/93(3)				31.1	25.3		
Syria	1993(3)	1960	25.2	19.6	28.5	24.5	3.3	4.9
Tunisia	94/95(3)	1956	25.9	19.3	30.1	26.5	4.2	7.2
UAE	1995(2)				26.5	24.3		
Yemen	1997(1)				24.3	20.6		

Sources: (1) Demographic and Health Surveys; (2)Family Health Surveys; (3)Maternal and Child Health Surveys; (4)United Nations 1990
***Calculated from 1994 census**

Women are delaying marriage on average by three to seven years. In six Arab countries—Jordan, Kuwait, Morocco, Syria, Qatar, and Libya—10% of women remain unmarried at ages 30–34. It doesn't appear that changes in education or empowerment are causing this trend. Table 2.4 shows the prevalence of illiteracy among never married women.

Table 2.4: Selected Characteristics of Never-married Women Aged 15–49

Country	Survey	% of women with primary education or less (no education)	% of working women	% of working women for cash
Algeria	Maternal & Child Health Survey 1993	62.4 (19.9)	7.5	6.6
Egypt	Demographic and Health Survey 1995	29.4(16.4)	13.3	12.25
Sudan	Maternal & Child Health Survey 1993	62.3(40.7)	13.0	9.97
Yemen	Maternal & Child Health Survey 1991/92	84.6(71.2)	4.6	2.99

Source: Rashad and Khadr, 2002

One study has called these women "the forgotten Cinderellas" (Sholkamy 1997). In rural Egypt these girls have a profile. They are often the first born whom other siblings soon follow and who are obliged to take care of the little ones. They are the ones who are not sent to school so as to be available to help the mother and can be seen carrying babies when they are hardly more than toddlers themselves.[6]

In Arab societies, societal recognition and support systems appear to revolve around the roles of women as wives and mothers. In this social context, non-

[6] The work of eldest daughters goes straight to the family pool whether this work is in cash or in kind. The household mode of production is the dominant mode, with most people being involved in agriculture.

Both women and children work. Women tend to household affairs, taking care of children, tending livestock, and helping out in some agriculturally related activities. Children take care of siblings, herd livestock, take part in harvests, and do other chores in the fields and the home (Abaza 1985; Ammar 1954; Ayrout 1963; Blackman 1927; Hopkins 1988; Sholkamy 1990). The fruits of the labor of both women and children accrues is the property of the household. Since elder male members are usually the 'managers' of the household, it is to them that the fruits of labor often go (Hopkins 1988). However, it should be stressed that this is not locally viewed as stark exploitation since women do not permit themselves to conceive of an alternative arrangement. As far as they are concerned, all are working for the household to which they collectively belong, albeit with varying degrees of power.

married women and their psychological and economic well-being are often ignored. Features of well-being of non-married women as represented in their level of dependency and their support networks need to be investigated. The available data is limited and suggests a high level of dependency as a result of low education attainment and few opportunities to earn independent income.

The significance of considering the well-being of non-married women is becoming more and more important since the nature of changes in marriage occurring in Arab countries implies that more women are spending longer spans of their lives without being married and that some women maynever marry.

The nature of marriage changes occurring in Arab countries implies that more women are spending longer spans of their lives without being married.

These large percentages are not simply a product of later marriages. For many Arab countries, a proportion between 7% and 21% of women aren't married by age 30–39. Arab societies with a near universal marriage rate will soon become the exception rather than the norm.

Countries displaying significant changes in the timing of marriage are Algeria, Libya, Morocco, Sudan, Tunisia, Bahrain, Jordan, and Syria. These are also the countries that reflect a very high percentage (between 8.5% and 20.6%) of women remaining single within the age group 30–39. It is interesting to note that the decrease in the prospects of marriage is affecting both educated and uneducated women. This is because economic difficulties and societal changes have resulted in a rise in the marriage age and in the proportion of unmarried women.

Box 2.3: The Significance of Sons

Women who have no sons in Rural Upper Egypt also have no property, no home, no family, and no source of income. No sons means no access to social security in old age. Ragaa (not her real name) has only daughters. She lives alone in a small mud house. Her daughters are married. One is in the village and the other two are in another nearby; they are all married to cousins. Ragaa's three brothers are perhaps the wealthiest men in the village; mainly because they have been working in Saudi Arabia for twenty years and operate a thriving business in visa procurement for others. Because of this elevated status, they have stopped Ragaa from working, although she used to work even when her husband was still alive. She used to sell eggs in the market and run errands, sell, and shop for other women. Her brothers have ordered her to be discreet about her activities.

Ragaa was pointed out to me as one of the poorest women in the village and one who leads a wretched life. In an interview, she said, "What can daughters do for me? When I visit, they get worried that I will upset their mothers-in-law. As for my brothers, well, brothers give their kheir ('goodness') to their wives and a bit of meat and their ghadab ('anger') to their sisters. If I had a son, wouldn't his knock on my door and his entrance be like an angel stepping through the gates of heaven?!" Her sole source of income is the few pounds a month she gets from the Sadat pension scheme ($2.00/month in the mid-1990s) (Sholkamy 1997).

3.3 Reproductive Health and Ill-health: Challenges to Social Security

The ability to conceive naturally, deliver safely, and enjoy the early years of a child's life is a blessing denied to millions of married women in the Arab world. Most societies in the region are perceived to be high fertility societies where population control is the priority. Unfortunately, this impression of population in the Arab states masks the difficulties that women face in controlling their reproductive lives and securing their own health and that of their children.

The transition in children's health and child survival in most Arab states has been previously noted. Vaccination coverage and access to health care has vastly improved and levels of maternal mortality have declined. Children's morbidity and mortality and the death of mothers during delivery have been positive influences for the social security of the family. To this extent we can report success. However, women still face challenges posed by reproductive and other morbidities, infertility, and the pressure posed by patriarchy to produce sons. These three factors may be assumed to have infrequent incidence but they certainly have dramatic impact on the social security of women and their families.

3.3.1 Morbidities

Women still face challenges posed by reproductive and other morbidities, infertility, and the pressure posed by patriarchy to produce sons. These three factors may be assumed to have infrequent incidence but they certainly have dramatic impact on the social security of women and their families.

Consanguinity is a practice promoted by the ideology of patriarchy. There are many cultural and economic factors that make consanguineous marriages preferable to other unions. Women may feel safer and more secure if they are marrying a relative, property is consolidated, and costs may be saved. But the health risks of consanguinity are real and they have been realized in Arab Gulf states where hereditary diseases are on the increase. In Saudi Arabia and Bahrain, up to 10% and 13% respectively of the population are carriers of hemoglobin hereditary disorders (Aoyama 2001: 80). Some diseases such as sickle cell anemia and hemolytic anemia caused by Glucose-6-phosphate dehydrogenase (G6PD) are endemic in Bahrain, Kuwait, Oman, and very high in Jordan and in Egypt (Aoyama 2001: 80).

Hereditary diseases affect marriage choices and survival and women are often the victims. Genetic counseling before marriage has become a vital preventative measure. However the fear that genetic testing will lead to fewer marriage prospects, particularly for women who have fewer opportunities to marry a non-relative or a stranger, is a very real one. At least at the level of public perception, the transmission of genetic disorders has been thought to have led to an increase in celibacy and decrease in marriage(Sholkamy: personal observation from interviews with Bahraini and Kuwaiti Women). How genetic disorders are handled, treated, and understood affects women's social security. Moreover, the

affects of these diseases on quality of life and the costs of care are a further burden to individuals, families and to public expenditure.

3.3.2 Reproductive morbidity

The past decade has witnessed a paradigm shift in thinking on population and development. A group of researchers from the Arab world known as the Reproductive Health Working Group (RHWG) were at the forefront of this new discourse. They argued that despite perceived high fertility, the neglect of women's reproductive health could have an even more profound effect on their quality of life, stability of marriage, family needs, and survival. Researchers from the RHWG undertook a project to estimate the prevalence of reproductive morbidities in a community-based study now known as the Giza Study. The results told of a heavy but silent burden of disease borne by women (Khattab et al 1999).

Despite perceived high fertility, the neglect of women's reproductive health could have an even more profound effect on their quality of life, stability of marriage, and family needs and survival.

Reproductive morbidities such as sexually transmitted diseases, reproductive tract infections, genital prolapse, and infertility do more to threaten social security than researchers had realized. Indeed, whereas children cement and structure families, their absence, general ill-health, or the sexual and reproductive ill-health of mothers and fathers can destroy the family. Many of these women may be unable to access the benefits of social security in the family discussed above that may exist.

3.3.3 Sexually transmitted infections and reproductive tract infections

There are an estimated 12 million people in the Middle East (including Iran and Turkey) suffering from sexually transmitted infections (STIs). This is a relatively low prevalence that reflects the cultural and religious codes of the region and the prevalence of monogamous relationships. Yet these same values can lead to underreporting and to denial. One small study found that up to 7% of surveyed men had illicit sexual encounters outside marriage (Rudi 2003: 6). The nature of inequality in gender relationships of marriage may engender a public health risk. The detection and management of STI's are affected by the degree of entitlement and autonomy that women enjoy within marriage and in the eyes of institutions of medical care and service delivery.

The detection and management of STI's are affected by the degree of entitlement and autonomy that women enjoy within marriage and in the eyes of institutions of medical care and service delivery.

Reproductive tract infections (RTIs) are much more prevalent in Arab States and are caused by lack of access to clean water and poor hygienic conditions during delivery and abortion. Rates vary in the Arab states and accurate measurements are difficult to find since women may not report what they perceive as minor or insignificant conditions. In Egypt, rates of RTIs (including vaginitis,

Reproductive tract infections (RTIs) are much more prevalent in Arab States and are caused by lack of access to clean water and poor hygienic conditions during delivery and abortion.

pelvic inflammatory disorders, and cervicitis) were found to be at over 50% of a community based sample (Aoyama 2001: 30). Another pilot study found that up to half the women who received a cervical biopsy had genital schistosomiasis—a problem that the women themselves perceived as 'normal' (Rudi 2003: 6 in Talaat 2001).

RTIs cause pain and discomfort and may lead to infertility. They can be debilitating to women. But they also most certainly affect her sexual life. These conditions are important to mange as morbidities, but they are also essential to contemplate as social events that affect marital life.

Women who do not have children run a serious risk of being left uncared for and vulnerable in their old age. They are, in a sense, unable to access the traditional benefits of patriarchy and must rely on the good will of other family members.

Children are a means for providing parents with social security and are perceived as a form of investment in the future. 'Security in old age' is often cited by scholars as one of the primary reasons why Egyptians want children. Religion encourages adult children to care for their aging parents since parents are considered to be the first category of 'needy persons' to whom financial assistance of children is due.

Tables A.1.10 and A.1.11 in the Annex to Chapter 1 quantify the problems of fertility and infertility as well as the frustration of pregnancy loss for selected Arab countries.

Table 2.5: Fertility and Mortality Levels in Arab Countries

Country	Infant mortality rate (IMR)	Total fertility rate (TFR)	Life expectancy at birth
Low Mortality (less than 40) Low Fertility (less than 3)			
Bahrain	9	2.8	74
Tunisia	26	2.1	72
Lebanon	33	2.4	73
Medium Fertility (3-4.5)			
Kuwait	9	4.3	76
Qatar	12	3.9	72
UAE	19	3.5	74
Syria	24	4.1	70
Libya	30	3.7	75
Jordan	31	3.6	70
High Fertility (more than 4.5)			
Oman	17	4.7	73
Saudi Arabia	19	5.7	72
Palestine	26	5.9	72
Medium Mortality (40-60) Low Fertility (less than 3)			
Algeria	54	2.8	70
Medium Fertility (3-4.5)			
Egypt	44	3.5	66
Morocco	50	3.1	69
High Mortality (more than 60) High Fertility (more than 4.5)			
Yemen	75	7.2	59
Sudan	82	4.9	56
Iraq	103	5.4	58

Source: Population Reference Bureau 2002.

Box 2.4: Adoptive Breastfeeding

For many couples, adoption helps alleviate the social and emotional burden of infertility. There are some small initiatives taking place to overcome Muslim strictures on adoption. While Islam greatly rewards those who care for an orphan, this is not to be equated with adoption whereby infertile couples can call a child their own. In Egypt, some orphanages have started adoptive breastfeeding programs whereby adoptive mothers are helped to start breast milk production and give adopted children the five full feeds that Islam requires to sanction the adoption. In Egypt this program is achieving high success rates (one clinic has a near 100% success rate) and is achieving a happy alliance between the needs of adoptive parents, the best of modern medicine, and the guidelines of Islamic scriptures. For the government the adoption is legal but the implications such as changing names and inheritance are not automatic. Parents can change the name of the orphan in court so that they have the same name as the adopting family.

4. Divorce

While overall numbers remain small, some Arab countries are witnessing a sudden surge in divorces among their nationals. According to a recent article in the Emirati Gulf News out of the 11,285 marriages that took place in 2002, 3,390 have ended in divorce (that is roughly 30% of all unions). About half (1,590) of the divorces took place between nationals and other nationals. The article cites a number of reasons for this 'divorce epidemic,' including financial problems, social restrictions preventing courting before marriage, and arranged marriages that involve a measure of coercion of either partner (Kawach 2003).

Box 2.5: Marriage funds in Gulf States

The Funds are attempts to encourage nationals to marry their compatriots by helping pay dowries and provide housing. Such funds exist in Saudi Arabia, Bahrain, Qatar, and the Emirates. Funds are run through public initiatives and also through the private enterprise of NGO's. It is difficult to measure the relative success or performance of these funds. However the use of welfare funds to promote marriage is an established practice in many parts of the world including the USA (Osman 2003).

In Arab countries, divorced women are extremely vulnerable unless they enjoy the support of their natal family. Laws concerning the financial security of divorced women and their children exist but their applications are often stalled, creating huge backlogs. Studies have shown that families headed by divorced women are among the poorest and statistics have shown deterioration in the standard of living of such families after separation from the husband. This is particularly observed in divorce cases where the husband fails to make child support payments. It is worth noting that though legal provisions make those men responsible for financially supporting their children, the courts lack the material and human resources necessary to prosecute cases for child support. One study of courts in Morocco and Iran has amply exemplified these problems (Mir-Hosseini 1993). NGOs in Egypt have also raised awareness of the extreme difficulties faced by women going through divorces to access their legally acknowledged entitlements.

In Arab countries, divorced women are extremely vulnerable unless they enjoy the support of their natal family.

In Morocco, activists have long argued that the relevant laws are not applied. Furthermore, the majority of divorced women lack the material resources necessary for paying prosecution costs. In order to encourage divorced women to receive their full legal rights, the Moroccan government in the 1998/99 Financial Code stipulated that divorced women are exempted from all taxes and fees for personal status suits brought by them before the courts (United Nations, CEDAW 1999: 58).

The nexus of divorce and social insecurity is a multi-faceted and multi-leveled one. Women need both the right to get a divorce and the right to be protected from it. They need to have legal entitlements that help them manage the fall-out from divorce and the effects it has on themselves, their children and their futures. But women also need to be able to access these legal rights and transform them into socially recognized entitlements. Finally women deserve protection from social stigma and social exclusion, especially if the legal, religious, and cultural system maintains divorce as strictly under the control of men.

Studies have shown that families headed by divorced women are among the poorest and statistics have shown deterioration in the standard of living of such families after separation from the husband.

One compromised approach came in the form of khul',[7] which grants women divorce, but requires them to forgo their financial rights. Thus, women divorced by khul' are in a particularly weak economic position. This development suggests that securing divorce as an option for women may be easier if women forego some of their financial entitlements. Yet such a trade-off should not be required.

[7] **Khul: Divorce when the dower could be claimed back; divorce at the insistance of the wife, who must pay compensation.**

A Muslim woman divorced by khul' shoulders much more material and financial responsibilities toward her children than her ex-husband compared to women divorced through talaq (either revocable or irrevocable) because they still hold alimony rights and for a deferred payment if it was written in the marriage contract.

4.1 Khul': Cruel or Kind?

Islamic law grants the husband the unilateral right to terminate marriage at will, without showing cause and without having recourse to a court of law. The dissolution is affected by unilateral repudiation, in Arabic called talaq ('divorce'). The ease by which this divorce is affected exposes women to a great deal of emotional and economic insecurity. Therefore, only in extreme cases do women seek divorce through khul', a form of irrevocable talaq but which is effected by mutual agreement of spouses. Khul' is concluded by offer and acceptance. Thus the wife may offer to pay a certain sum (usually the amount of her bride-price) to her husband in return for releasing her from matrimonial bond; or the husband may offer to divorce his wife in return for a fixed amount of compensation. It is not necessary, however, that the compensation be monetary except in shafif'i law (one of the four schools of Islamic jurisprudence). In khul', whether the divorce is offered by the wife, the husband, or both, the woman is to pay a compensation and not the husband. (El-Alami and Hinchcliffe 1996: 22–24, 27–28; United Nations 1998: 37).

A Muslim woman divorced by khul' shoulders much more material and financial responsibilities toward her children than her ex-husband compared to women divorced through talaq (either revocable or irrevocable) because they still hold alimony rights and for a deferred payment if it was written in the marriage contract. In most Arab countries with codified law (countries with uncodified law include, Saudi Arabia, the United Arab Emirates, Qatar, Bahrain, and Oman), the woman divorced by khul' assumes the responsibility for the expenses of her children. According to the Kuwaiti Personal Status Law, Article 117, "If a condition is stipulated in the khul' that a mother undertake the suckling of a child or its custody, or that she provide maintenance for it for a specified period and she fails to meet her obligation, the father shall have the right to reclaim from her the amount of the maintenance or the cost of suckling or custody" (El-Alami and Hinchcliffe 1996: 135). The same meaning applies to Article 109 of the Jordanian personal status law (PSL), Article 48 (paragraphs a and b) of the Libyan PSL, Article 102 (1) of the Syrian PSL, and Articles 72 and 73 of the PSL of Yemen, (El-Alami and Hinchcliffe 1996: 102, 194, 232, 263).

In addition, khul' decrees in some Arab countries stipulate that if a mother divorced by khul' is in financial hardship at the time of the khul' or after khul' took place, maintenance for the child (or children) will be the father's responsibility. However, this shall be a debt owed to him by the mother. This applies to Jordan (Article 110), Kuwait (Article 117–b), and Syria (Article 102–2) (El-Alami and Hinchcliffe 1996: 102, 135, 232).

Under khul', a husband should not ask for more than the sum of his wife's

mahr ('brideprice'). Nevertheless, by law, any amount can be fixed as compensation. This makes this type of divorce open to abuse by husbands who may ask for very large sums of money in return for divorcing their wives. Many wives accept, whatever the sacrifice may be, as they have no other means of obtaining their freedoms (El-Alami and Hinchcliffe 1996: 28).

From the above, it is clear that not only do wives have to pay large amounts of money to have khul', but they also have to assume financial responsibility for their children while their husband will be completely exempt. In the case that the wife is financially incapable of taking this responsibility, the husband will take it over, but on the condition that the wife will return to him whatever he paid, thus incurring great debt.

4.2 Maintenance after Divorce

All Arab legal codes provide for alimony and child support in their laws and constitutions. All legal codes profess to protect divorced women and give them legal entitlements as decreed by Muslim or other religious codes. However, there are interpretations of these codes that favor men over women. The concept of 'the house of obedience,' for example, was enforced by the police in accordance with a narrow interpretation of a Muslim injunction to obligate women to reside in the domicile defined by her husband as his home was a glaring example of male favoritism. The Jordanian personal status law which in Article 69, specifies that if the wife is disobedient she shall not be entitled to maintenance is another such example. A 'disobedient' wife is one who leaves the matrimonial home without lawful justification or who refuses to allow her husband to enter her house prior to his asking her to move to another house. Lawful justifications for her leaving the home include harm caused to her by the husband through beating or by ill-treatment (El-Alami and Hinchcliffe 1996: 95).

Social security does not lie in only removing these direct threats but in also ensuring that other aspects of personal status laws are interpreted in a way that favors gender equality and justice. Of great concern in all Arab countries is the persistence of un-official or masked biases, particularly when it comes to religious and legal interpretations. For some Arab countries, like Egypt, the claim for divorce maintenance payments for a waiting period that exceeds one year from the date of the divorce shall not be heard (Law No. 25 of 1929, as amended by Law No. 100 of 1985 concerning provisions on Personal Status, Article 17). Also, in Jordan, a claim for the increase or decrease on the payments imposed shall not be heard until six months have lapsed from its imposition, provided no exceptional factors have arisen such as inflation prices (El-Alami

and Hinchcliffe 1996: 95). Many Arab women may claim divorce maintenance after one year from the date of divorce for several reasons including women's lack of awareness about laws related to divorce maintenance, and their poverty which results in encountering difficulties in paying fees required for filing cases to claim their rights (El-Alami and Hinchcliffe 1996: 60). A one-year grace period may be in itself a fair enough proposition, but not when there is no legal mechanism that obliges the administrative and legal system to insure that women are aware of these rights.

Women face great risks in securing adequate livelihood after divorce. Both formal laws and customary practices must ensure just and full protection for divorced women.

Another example comes from the Syrian PSL, whereby Syrian divorced women encounter financial insecurity because the payment of alimony is only for a specific period of time. Article 177 of Syria's PSL states that men are obligated to pay a maximum alimony of three years if the woman is able to demonstrate that she is destitute and miserable as a result of the divorce. This law gives no accurate definition of the destitution and misery, leaving the judge to decide whether the woman's situation warrants alimony (UNIFEM 2001: 15). In addition, if women are employed, they often have no right to alimony at all. Women face great risks in securing adequate livelihood after divorce. Both formal laws and customary practices must ensure just and full protection for divorced women.

It is worth noting that the alimony payment period differs from one Arab country to another. A divorced woman is entitled to the deferred payment that is outlined in the marriage contract and is paid to the woman only in case of divorce. A divorced woman is also entitled to compensation of muta' or 'gift of consolation.' Its amount is determined according to the circumstances of the divorcing husband in terms of wealth or poverty, the circumstances of the divorce, and the length of the marriage. The divorcing husband is often permitted to pay the compensation in installments as in the case of Egypt and Kuwait. The three payments—divorce-maintenance payment (a temporary one), the deferred, and the muta' payments—may not grant the divorced women life security particularly if she does not remarry (El-Alami and Hinchcliffe 1996).

Many of these codes are now being revised to promote gender equity and fairness to women. Morocco, Jordan, Bahrain, Iraq, and Bahrain have revisited their personal status codes to redress lingering gender biases. In October 2004, Egypt will initiate specialist family courts to save many men, women, and children the suffering and anxiety brought on by protracted legal cases in courts exhausted from the huge volume which they handle. These moves at the level of the law must be accompanied by activity to catalyze a social consensus that accepts these changes. Mainstreaming gender concerns into the courts, the executive (including social security and police apparatuses), and society as a

whole is integral to the realization of just legislation for both women and men. This applies to all aspects of personal status and not just to the case of divorced women. However since divorce bears a social stigma thatplaces women at particular risk, it is particularly urgent to galvanize change in divorce laws and customs.

Box 2.6: The Ombudsman of the National Council for Women, Egypt

The complaints that reach the office of the Ombudsman at the National Council of women cover an array of social problems. Divorce and its consequences feature amongst these complaints. Out of the 50 cases brought to the Ombudsman requesting social security support, 31 were divorced women. A recurrent complaint was from women who had been denied social insurance because they live with their natal families. The assumption is that families can take care of these women and their children. Divorced women are not given social insurance pensions when they reside with a parent who receives a pension as it is assumed that this pension can cover the whole family. Some of these women do not receive their divorce maintenance payments or that of their children either because the husband refuses to pay or claims that he cannot pay. The ombudsman assists with the cases of women who cannot afford to pay legal expenses.

Some women in these cases complained of the inability to find housing after divorce. The assumption that a woman has a house to go to after her divorce is also untrue for some women. Other cases were of divorced women who were childless and therefore had no claims to the marital home. Notably, one third of the complaints came from divorced and childless women. They seem to be the most vulnerable and the face greater barriers to public and/or private social security networks.

Social insecurity lies in the stigma attached to the divorced woman. Islam (along with other religions), obligates male family members to provide care and support of women in the family; yet this obligation often goes unrealized. The state has assumed some of these traditional male responsibilities by providing women with payments and pensions, but the actual value of these payments can be too low for women to secure an adequate livelihood, and women's accessibility to them can be frustrated due to social prejudices.

Mainstreaming gender concerns into the courts, the executive (including social security and police apparatuses), and society as a whole is integral to the realization of just legislation for both women and men. This applies to all aspects of personal status and not just to the case of divorced women.

5. Female-headed Households in Arab Countries

In some Arab countries, women face troubling social insecurity as a result of separation, desertion, and migration of their husbands, resulting in what's often termed "female-headed households."Formal divorce and separation rates likely do not capture the extent of female headed households, as men may simply leave or migrate without undertaking formal divorce or separation procedures. Recent data reveals that one of every nine households in Algeria, Egypt, Sudan, Tunisia, and Yemen is headed by a woman (Osman 2003: 7). Female headship is a result of varying social, economic and political contexts. In Algeria and Egypt the majority of female headships is in urban areas, while in Sudan and Yemen they are more prevalent in rural parts (Osman 2003: 7). There is great variation in the age structure and the education of female heads of households. Often unacknowledged are the women who while still married and living with their husbands may still be the effective heads of households or the sole income earners for the households as they care for husbands who are unemployed or unable to work. These women also face tremendous bureaucratic, legal, and cultural obstacles that cause them and their children harm and suffering.

5.1 Country-by-country Analysis of Female-headed Households

According to the two field surveys carried out in Beirut, Lebanon, in 1984 and 1997 by the faculty of Health Sciences at the American University of Beirut, the percentage of female-headed households increased from 15.3% in 1984 to 20% in 1992 and that the vast majority of the women were widows (72% and 73% in each year respectively). In addition, the estimated average annual revenue generated by the members of the female-headed households was estimated to be less than 60% of the national average for annual income. In addition, female-headed households are clustered (59%) in the lowest two income levels. Women-heads of household generally hold a low level of education and the rate of illiteracy among them reaches 26.5%, which is double the national average level of illiteracy.

As for the rate of female-headed households in Egypt, it is estimated by the latest labor force sample survey at 16.5% of all households (16.7% urban and 16.2% rural). It is also noticeable that 87% of all female heads of households are either completely illiterate (73.3%) or semi-illiterate (14%) (UNIFEM 2002: 11–12).

Households headed by women in Morocco are also characterized as living

How are female heads of poor households earning a living considering the non-existent or inadequate social safety nets for women in the Arab world?

below the poverty line. Women head 59.5% of poor families as compared with 50.4% headed by men. A principal characteristic of women heads of households is that they are either widowed or divorced. Female-headed households represent 15.6% of all households (18.3% in urban areas, and 12.1% in rural areas). Statistics also show that the majority of female heads of household are illiterate: 89% as opposed to 61.5 % of men. In general, there are few data or studies on this category of family and their living conditions, and no special programs for them (CEDAW 1999: 56–57).

Conferences aiming to reinforce solidarity and eradicate poverty were organized by the Secretariat of the State in charge of Solidarity and Human Action with cooperation of UNDP. These conferences focused on the following areas:

1. Increasing the awareness of all classes in society of the importance of solidarity.
2. Fostering the establishment of a new culture based on the support of humanitarian action and of integrated efforts of actors in the social field.
3. Mobilizing resources both in kind and in services with the objective of combating begging, repairing and equipping shelters for vulnerable groups of women (shelters belonging to the public sector, local groups, and volunteer groups), and focusing on programs for poverty eradication in all governmental departments. (CEDAW 1999: 65).

The difficulties that female heads of households face in proving their legal guardianship for their children, accessing social security payments, acquiring access to property, insurance and credit are immense. Bibars has documented some of the stories of these women in Egypt describing them as heroines of our times. These obstacles are rarely official or structural and are more often than not cultural or ideological. Formal and legal requirements to prove guardianship are often beyond the control of women and therefore it is a great injustice that women suffer the burden of proof to provide evidence of her status of head of household, as a single mother or deserted wife. Female heads of households who are already bearing the burden of poverty, illiteracy, and are faced with independently trying to provide for their children often find the bureaucratic hurdles associated with ‘proving’ their guardianship insurmountable(Bibars).

Change toward the betterment of women at the level of frank indicators, laws, and decrees is positive change. But social security requires change at the level of minds and morals. Accepting that many women end up being the sole providers for their families is the first step towards opening doors and opportunities for women who have no family support.

Formal and legal requirements to prove guardianship are often beyond the control of women and therefore it is a great injustice that women suffer the burden of proof to provide evidence of her status of head of household, as a single mother or deserted wife.

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Box 2.7: Helping Women Access their Legal Rights: An Example from Egypt

Egyptian activists have long recognized the strategic difference between changing laws that contribute to gender inequity and the equally urgent need to help women access the existing benefits to which they are entitled according to existing legal codes. The Center for Egyptian Women's legal Affairs (CEWLA) has been providing legal assistance to women who are barred by poverty or powerlessness from accessing their legal rights. The center provides legal services, consultations, and training to help women know their rights. CEWLA have recently published an analysis of the situation of women in light of Egypt's commitment to CEDAW. This tool highlights the areas for action and concern that can facilitate the inclusion of all women in the social protection mechanisms offered by CEDAW.

Box 2.8: Combating Poverty in Female-headed Households: An Example From Morocco

The government of Morocco has committed Parliament to take steps to strengthen social cohesion by protecting the family and combating the feminization of poverty. The government created the Social Fund for Development to achieve local development, increase the capacities of its local partners, and provide support for small income-generation projects of particular interest to women. For example, sewing workshops have been established in Tangiers and in Casablanca. A center was established in Marrakesh for women's vocational training through basic education and literacy classes. Pilot projects to combat poverty in urban and semi-urban areas have been established in Tangiers, Casablanca, and Marrakesh by the government of Morocco in cooperation with UNDP. These projects are expected to produce plans for the development of resources and improvement of basic services, as well as for the protection of the interests of vulnerable groups. As these projects aim at social development, they are based on partnership between the different actors in the public and private sector and in civil society (CEDAW 2000: 64).

5.2 Population Aging in the Arab World: The Social Insecurity of the Elderly

Arab states have young populations. Despite this, the elderly, and particularly women amongst them, are a growing concern in terms of their social security and livelihoods. The patriarchal family order obligates the young to pay homage and deference to the old and to take care of them in their time of need. According to cultural norms, the elderly loose neither dignity nor resources in the process of aging. In reality the situation may not be so clear. Poverty, migration or other disruptions, urbanization, and changing patterns of family formation create a situation where the elderly may have no young people to take care of them.

Age structures of most Arab states show far greater numbers of youth than aged people. However if youth cannot work (due to unemployment) or will not work (due to gender roles and prescriptions) then Arab societies are heading for a crisis. The numbers of elderly is only expected to grow. The issues pertaining to social security for the elderly may seem deferrable, but in reality, they are not. Table 2.6 shows some population projections that states and activists need to address.

Accepting that many women end up being the sole providers for their families is the first step towards opening doors and opportunities for women who have no family support.

Table 2.6: Expected Changes in Population Size, Age Structure, and Dependency Ratio

	Population Size		Percentage of population				Dependancy Ratio for 100 Persons Aged 15–64[1]		Old Dependancy Ratio[2]	
			2000		2025					
	2000	2025	60+	65+	60+	65+	2000	2025	2000	2025
Algeria	30.291	42.738	6.0	4.1	11.1	7.0	64.0	44.0	7.0	10.0
Bahrain	640	887	4.7	2.9	20.4	13.2	45.0	50.0	4.0	20.0
Egypt	67.884	94.777	6.3	4.1	11.5	7.6	65.0	47.0	7.0	11.0
Iraq	22.946	40.298	4.6	2.9	7.5	4.9	80.0	56.0	5.0	8.0
Jordan	4.913	8.666	4.5	2.8	7.0	4.3	75.0	54.0	5.0	7.0
Kuwait	1.914	3.219	4.4	2.2	15.7	11.0	50.0	51.0	3.0	17.0
Lebanon	3.496	4.581	8.5	6.1	13.5	8.7	59.0	43.0	10.0	12.0
Libya	5.290	7.972	5.5	3.4	9.9	6.8	60.0	45.0	5.0	10.0
Morocco	29.878	42.002	6.4	4.1	11.2	7.3	63.0	45.0	7.0	11.0
Oman	2.538	5.411	4.2	2.5	6.6	4.5	87.0	76.0	5.0	8.0
Qatar	565	754	3.1	1.5	21.8	13.7	39.0	54.0	2.0	21.0
Saudi Arabia	20.346	40.473	4.8	3.0	7.9	5.7	85.0	69.0	5.0	10.0
Sudan	31.095	49.556	5.5	3.4	7.9	5.1	77.0	56.0	6.0	8.0
Syria	16.189	27.410	4.7	3.1	7.7	4.7	78.0	50.0	6.0	7.0
Tunisia	9.459	12.343	8.4	5.9	13.4	8.8	55.0	46.0	9.0	13.0
UAE	2.606	3.468	5.1	2.7	23.6	17.6	40.0	59.0	4.0	28.0
Yemen	18.349	48.206	3.6	2.3	3.6	2.0	110.0	95.0	5.0	4.0
Total	268.399	432.761								

Source: United Nations, 2001.

Notes: 1.) Number of persons aged less than 15 or older than 64 / number of persons aged 15–64. 2.) Number of persons older than 64 / number of persons aged 15–64.

There is a demographic opportunity presented by the young age structure. If youth can start gainful employment they will be able to cover the social security needs of this quickly aging population. If high levels of unemployment and informal employment remain, the situation will become critical. By the year 2050 one in four people will be over the age of 60 (UNIFEM 2000: 4). Women are of special concern since women are more likely to grow into old age than men and less likely to be supported in their old age than men. According to a global situation analysis of aging, the majority of developing countries still rely almost exclusively on family resources and networks to care for the elderly (UNIFEM 2000: 5). Moreover, there are growing numbers of widows worldwide. North Africa and Central Asia have the highest prevalence of any other region in the world of widowhood for women over the age of 60 years. Those at most risk of destitution in old age are older single (never married or divorced) widowed and childless women (UNIFEM 2000: 7).

Around 50% of older persons around the world are not involved in any form of social security and older women are particularly vulnerable to age discrimination in employment.

The economic well-being of older persons will be a challenge for policy makers. Older persons' economic well-being encompasses two main factors: income in old age and the participation of the elderly in the labor force. In developed countries the trend is toward early retirement and longer life, whereas in developing countries retirement is not the norm but an exception, i.e. a luxury. Around 50% of older persons around the world are not involved in any form of social security. Longer life expectancies require greater social protection procedures. Age discrimination in employment has serious implications for employment policies and social security systems. Older women are particularly vulnerable to age discrimination. Obstacles that women face in the labor market throughout their working years end up negatively affecting their economic well-being in old age. Such factors include lower salaries, lack of career development due to interrupted work histories, family care obligations, and their inability to build pensions and other resources for their retirement. Poverty and low income during women's earning years lead to poverty in old age. In addition to social security and pension schemes, policies to ensure women's financial security in later years must also focus on improving opportunities for older women to continue working in the paid workforce. Women's financial security in old age depends on extending their working lives (UNIFEM 2000: 12).

Poverty and low income during women's earning years often leads to poverty in old age. In addition to social security and pension schemes, policies to ensure women's financial security in later years must also focus on improving opportunities for older women to continue working in the paid workforce.

The International Plan of Action aims to achieve age diversity and gender balance in the workplace (United Nations 2002: 50). Employability can be improved by lifelong learning, training and suitable and safe working conditions (United Nations, 2002: 35).

Limited data are available on old age income in the Arab world. However, most Arab countries adopt old-age security policies, which are tied primarily to

The employability of older persons can be improved by lifelong learning, training and suitable and safe working conditions.

employment in the government. The benefits of these policies are extremely limited and not sufficient to secure the economic well-being of older persons. In Egypt, for example, more than 52% of the social security beneficiaries reported the inadequacy of pensions and other social security benefits to meet their needs. Inadequacy of pensions is strongly related to health needs of elderly that consume a disproportionate share of older person's income (Rashad and Khadr, 2002: 50).

Non-existent and limited social security policies in developing countries encourage older persons to extend their working life beyond retirement age. Comparing economic activity rates among older persons in some countries has shown that almost 40% of men aged 60 and older in the Arab countries continue to participate in the labor market compared with less than 25% in most of the developed countries.

As discussed earlier in this report, in general data suggests there are low levels of women working in the formal economy in the Arab region. Less than 9% of women are economically active at age 60 and older. A significant majority of elderly women are therefore completely dependent on others. In Egypt, for example, more than 25% of older women reported their children to be their basic source of income (Rashad and Khadr 2002: 50).

Less than 9% of women in the Arab world are economically active at age 60 and older. Such low levels of participation are not attributed to high economic security among women, but more likely to be a sign of high levels of economic dependence on others.

Social changes and their effect on Arab family systems are expected to stress traditional multigenerational living arrangements whereby the norm is that the older person is cared for by his/her children either through co-residence or through proximity of residence. In Egypt, as an example, solitary living arrangements have been statistically highlighted. Studying an urban sample in Egypt showed 10% of elderly persons living alone and slightly more than 10% living with spouse. In rural areas, only a little more than 5% were shown as living alone and 7% lived with spouse only. This is a real challenge for policy makers and for planners since they will have to plan to provide sufficient and efficient social institutions that can extend their services to solitary-living older persons and provide them with needed care (Rashad and Khadr 2002: 51).

Another challenge is health care for the elderly, particularly women. By examining the current health status of older persons in Egypt, it has been found that 13.1% of the population over 60 evaluate their current health as poor. Also, more females than males reported experiencing at least two illnesses in the preceding six months that affected the activities of their daily lives, with the gap widening particularly between males and females aged 70 and older (27.4% compared to 42.1% respectively) (Rashad and Khadr 2002: 52).

Integration, activity and recognition/respect are the best antidotes to the social insecurity and exclusion of aging. Perhaps because of the inclusion of the

elderly as esteemed family members in traditional family norms there is little data on the elderly in many Arab countries. The definition of elderly as a separate group is not applicable in close knit family units where older people are not separated out as a special social group. But this idyllic situation cannot withstand the demographic and economic as well as political pressures of our times. Concerted efforts to stop women from slipping into poverty and destitution as they age are needed.

While ministries of social affairs in almost all Arab countries sponsor homes for the elderly and some provide extension and outreach services of good quality, there remains some confusion as to the conceptualization of the needs of the elderly and how best to respond to them. Women's housework and caring should be recognized and duly rewarded in the form of social security for women as they grow older. Health and social services that address the needs of the elderly are sadly lacking. Moreover, the rights of elderly persons are poorly conceptualized and their protection is left solely to families who may not have the time, resources or will to protect their elderly relatives.

Health and social services that address the needs of the elderly are sadly lacking. Moreover, the rights of elderly persons are poorly conceptualized and their protection is left to families who may not have the time, resources or will to protect their elderly relatives.

6. Mechanisms to Supply Social Security Needs: Welfare Regimes and Markets

The previous sections have documented the need for social security and outlined reasons for why families cannot be relied on to supply these needs. The question now is what are the existing mechanisms that extend social security or its possibility? In general there are two vehicles: social security schemes and markets. Each relies to a great extent on the political and economic system that dominates in each country. Indeed, the Arab world includes some of the most generous social security benefits (rich oil producing countries who spend lavishly on their systems of benefits), some of the most equitable and just (previously socialist countries that maintain socialist principles of equitable and gender-blind redistributive schemes), and some of the least developed (countries impoverished by wars, sanctions, and underdevelopment that cannot afford any sort of welfare regime).

The same applies to markets, which differ tremendously from one part of the Arab world to another with variations in labor supply and conditions of employment, elasticity, dynamism, regulation, and productivity. Despite such differentiation there are some common concerns that address social security in the region. Women are by and large either excluded or at least distanced from these benefits because of misperceptions of gender roles and family protection and support.

7. Social Security Schemes in the Arab World

As stated earlier, social security is defined by the ILO as the protection that society offers its citizens from economic and social distress. This protection is channeled through public measures that supply benefits to cover reduced earnings and/or needs arising from sickness, disability, invalidity, maternity, unemployment, old age and death. Moreover, states have pledged to insure health and education through public funds as well as direct assistance to families with children or who are in special need to further the cover of social security. However, the language of social protection and groups at risk has also entered the discourse on social security supplying clear recognition of social security as a right and urgent need and negating the lingering image of social security and welfare as luxuries that foster dependency and reliance on public funds (ILO 2000).

All Arab states have social security schemes and targeted schemes for special needs groups through programs such as unemployment benefits, disability allowances, pension schemes for the elderly and destitute, poverty alleviation allowances. There are also specific subsidizing funds to support marriage as in the Gulf states and Saudi Arabia, for youth employment such as the Social Fund in Egypt, and basic needs such as food in several countries.

While some of these schemes are generous and of high quality, others are limited and ineffective. This analysis finds that on the whole, these schemes have not greatly enriched human, social, and material capital. Nor have they helped Arab states overcome the trials and tribulations of the recent past. Moreover the gender discriminations of these schemes are under-appreciated mainly because discrimination against women in social security matters has not enjoyed systematic study (Bibars 2001: 6).

Box 2.9: Working Women: An ILO Assessment

The participation of Arab women in the labor force remains the lowest of any region in the world. But according to the International Labor Organization (ILO) this is a changing situation. With delayed age of marriage and increased tertiary educationmore women are entering labor markets. .

Female employment rates in the Arab world are also rising. They steadily increased from 1975 through 1995, from 13% to 21%, perhaps a result of the factors discussed above. However, this trend does not seem to be coupled with increasing numbers of women in high status and high paying jobs. It important to note that the rate of women in managerial and professional occupations in the region has increased from 11% in 1975 to 24% in 1995 as a result of higher educational attainment. Between 60 and 70% of women are working in the services sector. The agricultural sector is second in concentration of women workers. In countries with an agricultural base, such as Yemen, women's participation was up to 88% of the total workforce.

Arab women workers in the formal sector are mostly salaried employees. This ranges from 100% in Qatar to 46% in Syria, but they represent as little as 6% of the total number of salaried employees in Yemen. However, in many countries there is an increasing visibility of women-owned businesses. Indeed, some have been mobilizing and self-organizing through businesswomen's associations, women's committees within chambers of commerce, or just networking among themselves, as is the case in Syria, Lebanon, Jordan, Saudi Arabia, and Yemen. Self-employed women however face barriers ranging from difficulty in gaining access to assets and facilities, technical training, managerial know-how, information, credit, and other essential inputs (ILO, 2000).

To a large extent, decisions pertaining to education, training, and type of employment for women are made at the family level. Therefore, family traditions may preclude women from working certain schedules, in certain occupations or locations, regardless of job opportunities and economic need. As in other parts of the world, perceptions of women as secondary income earners whose careers come second to their reproductive roles, influences private sector employers to some extent. Employers perceive women to have high turnover rates as employees as a result of their family responsibilities and are hesitant to promote women or to provide training opportunities (ILO 2000).

Most labor laws in Arab countries are based on the principle of non-discrimination between the sexes. A considerable number of Arab countries have ratified the basic ILO conventions regarding gender equality: seven countries have ratified the Equal Remuneration Convention of 1951 (No. 100), and eight have ratified the Discrimination (Employment and Occupation) Convention of 1958 (No. 111). In addition to ILO conventions, political commitment toward gender equality has been demonstrated by the substantial number of countries in the region that have ratified the UN Convention on the Elimination of Discrimination Against Women. Further political commitment is demonstrated by the number of countries in the region that have set up institutional mechanisms for women's advancement after the Beijing Conference.

Arab women, however, are still not adequately

represented at the decision-making level. Their contribution in political decision-making processes concerning labor policies is quite limited, which may explain why many such policies are not gender-sensitive. In addition, the participation of Arab women at the decision-making level of both trade unions and employers' organizations is quite limited.

Most social policy schemes in the Arab world are services, not policies, and are not tied to specific targets or outcomes. They are oriented toward the passive recipient not the active participant.

In a recent, thorough assessment of social policies in the Arab world, Abdel Bassit Abdel Mo'ty was critical of several aspects of social policy in the Arab world. He noted that most of these schemes are services, not policies, and are not tied to specific targets or outcomes. They are oriented toward the passive recipient not the active participant (ESCWA 2003:140–50). The report makes an exception of Lebanon and Bahrain where social policies are integrated and where there is a reasonable level of revision and participation from various segments of society.

Iman Bibars, who has written on welfare in Egypt and in Arab countries, has drawn attention to the gender biases that are structural to social security schemes as they stand in some Arab countries (Bibars 2001). In one comparative study of Egypt, Algeria, Jordan, Kuwait, and Lebanon, she has documented discriminations in both contributive and non-contributive schemes (Bibars 2001). She notes that, "Poor illiterate women with no male figure to support them suffer the most from discriminations in entitlements, and of their suffering will come a new group of poor illiterate sons and daughters" (Bibars 2001: 4). But social policy remains neither gendered nor gender sensitive. A closer look at pensions and social security illustrates this point well. Pension programs are traditional social insurance programs with some very generous benefits such as in Kuwait and Saudi Arabia (Turner 2001: 14–15). Iraq started a provident fund that became a national social security plan in 1964. Oman initiated its program in 1991, the same year that Yemen reinitiated its program after reunification. Some countries, such as Jordan, cover both national and non-nationals. In many countries such as Bahrain, Iraq, and Kuwait, retirement age is lower for women than it is for men. Women in Kuwait can retire at age forty if they have contributed to social security for twenty years—a benefit that men do not enjoy. Some countries, such as Lebanon and Bahrain, require only twenty years of contributions. Others have set the retirement age at sixty years of age rather than a number of years of contribution. In Saudi Arabia, workers failing to meet qualifying conditions for retirement benefits may receive a refund of their contributions. In addition, most countries pay benefits as annuities based on the average of the last two years'

income. Some, such as Lebanon and Yemen, pay lump sums.

Gender discrimination persists in most social security systems. In Jordan, for example, current laws and regulations governing health insurance for civil servants do not permit women to extend their health insurance coverage to dependants or spouses. However, divorced and widowed women may extend coverage to their children (ILO 2001: 13–14).

In the past few years, efforts have been made to redress gender biases in social security systems. In Egypt, there are social insurance schemes that are funded solely by the Public Treasury, among which is the Social Security Act No. 30 of 1997. The aim of this act is to provide financial security for families, particularly those have not been covered by social insurance schemes, and also to provide relief in cases of emergency. This act made social security services available to certain categories of citizens—including widows, divorced women, the children of divorced women who had died or remarried or who were serving prison sentences, and women over fifty years of age who had never married—who were not receiving any pensions under the terms of previous social insurance legislation. In addition, monthly cash allowances are payable to families without a breadwinner. Women must 'prove' their virginity to benefit from this allowance (Bibars 2001: 85).

Since independence, the Tunisian legislature has broadened social security coverage to include divorced women. The National Social Security Fund (CNSS) has been given responsibility for managing the alimony and maintenance payment guarantee fund (United Nations 1996: 25). Tunisian women's social security rights may also be transmitted to their family members, their children in particular, in case of death. In addition, a woman who is a beneficiary of a social security has the right to early retirement if she has to bring up children (United Nations 1993: 25).

In Algeria, the widow of a husband with social insurance receives a surviving spouse pension, regardless of her age. If his surviving daughter is unmarried and has no income, she also receives a survivor's pension, regardless of her age. These provisions take into account specific features of Algerian society and ensure an income to women who are not engaged in any paid activity. In the area of family benefits, a specific allowance is provided for families that have only one breadwinner (CEDAW 1998: 32).

In Morocco, according to conditions stipulated in the Law of 1971 and the Dahir of 1989, the surviving spouse has the right to a survivor's pension. Women are not granted a widow's pension solely by virtue of being the spouse of an employed man unless the marriage took place at least two years prior either to the husband's death, the date when his economic activity ceased, or the date of

his invalidity, provided that his invalidity was related to his occupation. The condition on this time period may not be applicable if children were produced from the marital relationship. In addition, family allowances and health care assistance are income supplements intended to provide financial support to the person who shoulders the financial responsibility of children. If the wife is the only beneficiary of social security, the allowances are granted to her, whereas if both spouses are beneficiaries, the allowances are paid to the husband as the head of the household (CEDAW 1999: 38).

The future holds some worrying prospects. The Arab region may have less poverty than other developing regions, but the risk of poverty looms large, particularly for women as a result of economic adjustments, sporadic conflict, demographic pressures, and a still young but aging population (World Bank 2001: 8). Existing social security schemes pay benefits that are not in line with contributions, leading to actuary discrepancies. Employees and employers can pay up to 40% of earnings, as is the case in Egypt, which creates distortions in the labor market.

Social assistance programs such as public works programs (PWP), social funds—both cash and in-kind transfers—have evolved in Arab states to help those hit by socio-economic crises. Even when they yield good results in terms of cost there is ample room to improve their efficiency. Social funds fail to reach the poorest of the poor who are usually women. Food subsidies are often appropriated by the non-poor, leading to leakages toward middle- and high-income groups (World Bank 2001: 10).

The official regional unemployment rate is over 15% (the highest in the world), with government employment accounting for over 20% of total employment (also one of the highest in the world). Economic changes in the 1990s account for over 80% of the increase in poverty at the regional level (World Bank 2001: 43).

Migration and worker remittances accounted for upwards to 30% of incomes, but these opportunities have dramatically declined since then. Moreover, workers employed in other countries did not benefit from social protection nor did their families, with the exception of those in Jordan (World Bank 2001: 54).

Health status and expenditure are rising but mortality and morbidity from infectious diseases remain high and personal outlay toward medical costs also remains high. The average public expenditure on health as a percentage of total expenditure is 56% with great variations within the region: in Saudi Arabia it is over 80%, while in Morocco it is 30%. Health coverage in the Gulf is universal but there are increasing pressures to privatize coverage for expatriates. Most Gulf countries have schemes that cover public-sector employees, school chil-

dren, military persons, and formal-sector employees through social protection systems.

Pensions in the region are considered generous but do not account for inflation since no country has a formal indexation mechanism. The most generous are military pension schemes, which exclude women (World Bank 2001: 70–2).

Pensions in the region are considered generous but do not account for inflation since no country has a formal indexation mechanism.

This report cannot detail all schemes over time in all Arab countries. But it can convey the message coming from some research initiatives that have undertaken thorough study. Women are discriminated against by social security schemes in both subtle and explicit ways. Schemes assume social citizenship and on the basis of this assumption extended benefits often resulting in women's exclusion. Few positively discriminate on behalf of women; rather, they recognize the social and cultural obstacles that can stand as barriers between women and the benefits to which they are entitled. Gendered social security takes into account the reality of women's lives and is not based on assumptions concerning gender roles in society, family cohesion and welfare that is only extended to women during times of political stability and economic wellbeing.

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At one level laws do protect women, recognize the vulnerability of single women who are divorced or widowed, pay equal benefits for equal work regardless of gender, and even recognize child care as a contributor toward early retirement (ESCWA 2003, Bibars 2001: 17). Yet current schemes still put the burden of proof of need on the shoulders of women and make unfounded assumptions concerning family ties, and support. For example, contributive schemes impose high payroll contributions that discourage employers from insuring their employees. More often than not it is women who are the most dispensable and who are more willing to forgo insurance due to their need and poor skills. Moreover, these schemes usually cover salaried employees groups in which women are under represented. In Egypt, for example, the ratio of female to male beneficiaries in contributive social security schemes is 1 to 12.5, (Bibars 2001: 20–21). In the absence of schemes that insure the poor, those who work occasionally and those employed in informal sectors, there can be no justice in contributory schemes.

Gender roles and assumptions are even more glaring in non-contributory schemes. In Jordan, the institute of public administration conducted a survey of service delivery problems encountered by beneficiaries of the National Aid Foundation. They found that 41% encountered procedural problems and of the 13% who received in-kind benefits, 100% reported difficulties (Bibars 2001: 23). The difficulty that women face in dealing with official apparatuses of the state are not anecdotes or accidents, they are facts with which the state must contend and strive to provide a more woman-friendly service since women often have the greatest need.

The difficulty that women face in dealing with official apparatuses of the state are not anecdotes or accidents, they are facts with which the state must contend and strive to provide a more woman-friendly service since women often have the greatest need.

7.1 Routes to Social Security Open to Women outside the Family

Women are more likely to face poverty than men, particularly older women.

The fact that social security systems are based on the principle of continuous remunerated employment exposes great proportions of women to poverty due to their inability to fulfill this requirement for many reasons.

The situation of women with respect to social security is worse than that of men, particularly in Arab states with higher populations and less wealth. The Beijing Platform for Action recognizes that women face additional economic challenges, including the absence of economic and educational opportunities, a lack of access to economic resources, and a lack of participatory decision-making opportunities.

The Platform addresses inadequate social welfare systems that have often failed to take into consideration the specific conditions of women living in poverty. Women are more likely to face poverty than men, particularly older women. The fact that social security systems are based on the principle of continuous remunerated employment exposes great proportions of women to poverty due to their inability to fulfill this requirement for many reasons. In addition, older women face greater obstacles to labor market re-entry (United Nations 1995: 12).

The Platform reminds states of their responsibilities through instructing them to allocate greater public expenditures to promote women's economic opportunities and equal access to resources; to create social security systems that place men and women in equal positions throughout their life stages; and to develop policies and programs to ensure women's access to food, housing, healthcare services, education, training, and legal services. Moreover, the Platform demands action from all levels of government. It requests governments to provide for free access to or low-cost legal services to women living in poverty and to proceed with legislative and administrative reforms to give women full and equal access to economic resources. Governments were particularly asked to consider ratifying Convention No. 169 of the ILO to protect the right of indigenous peoples; and to encourage links between women and formal savings and credit institutions (United Nations 1995: 12).

The 1995 BPFA emphasized a holistic approach to the empowerment of women addressing three major dimensions:

1. Dominant gender ideologies that reinforce social, cultural, economic and political manifestations of gender inequality.
2. Equal access to productive resources and assets (e.g. agricultural land, affordable credit, security of housing tenure, appropriate space for enterprise development, and affordable quality services (e.g., education, skill training, health and reproductive health, and child care).
3. The possibility and ability of Arab women to access paid employment, and, equally crucial, to control the use of their earnings. There are economical,

social and political gender-based impediments to women's rights in these respects (ILO 2001: 131).

Women's empowerment depends on their capabilities to be economically productive and free of need and dependency. Yet there remain barriers between these goals and the reality of women's lives. One of the barriers is return migration from European and Gulf countries and its effect of producing unemployment in labor-sending countries. Given prevailing gender ideologies, the focus generally tends to be on male unemployment in terms of job placement and training opportunities. Female unemployment is perceived as being of secondary importance, a situation with obvious implications for the economic empowerment of Arab women (ILO 2001: 133–34).

7.2 Social Security and the Market: Gender and Wage Differentials

Another constraint is gender wage differences and private sector versus public sector wages/benefits differences. Significant gender gaps in wages are recorded. In the public sector, salaries are so low that many Arab women are discouraged from seeking employment and prefer staying at home. In the private sector, women are more privileged than their peers in the public sector by having much higher salaries/wages. But general wage discrimination is still a problem, despite legislation meant to prevent it

Wage discrimination is still a problem despite legislation meant to prevent it.

However, women in the private sector have fewer benefits in terms of length of maternity leave, payments during maternity leave, and the right to keep their jobs until their maternity leave has ended. Thus, they are less likely to keep their jobs than their peers in the public sector. In one recent study by Nadia Hijab, and C. el-Solh with Sherine Ebadi titled "Social Inclusion of Women in the Middle East and North Africa" (World Bank 2003), the authors documented restrictions on type of work in nearly all Arab countries, and on mobility. They also made clear that the cost of maternity benefits discourages employers from hiring women.

In regard to women's rights in Arab labor legislation, particularly their rights as far as delivery or maternity leaves are concerned, all Arab labor laws except those of Libya, include special provisions stating the right to delivery and maternity leave. However, women working in the private sector still receive their delivery-leave privileges from employers because there is no special national fund to guarantee payment of wages during the period of delivery. Because in most cases this financial burden is shouldered by employers, many refrain from employing married or pregnant women or women expected to give birth during the period of their service. An exception to this unwritten policy is Iraq, which

Private sector employers in the Arab region prefer to hire young, single females as employers expect that they will drop out of the labor market because of marriage and child care responsibilities, and thus require fewer benefits.

allocated expenses for delivery and maternity leave from a special social security fund that is independent from the employer.

The Arab agreement on women's labor law legislation has set maternity leave at ten weeks, of which six weeks should be after the delivery. This, however, contradicts the laws in some Arab countries like Tunisia, Oman, Syria, the United Arab Emirates, and Bahrain. The laws of some of these countries grant women a period of maternity leave, but on the condition that women should have spent a period of no less than six months or one year on the job. If that condition is not met, women receive an unpaid leave or get only half pay (Abu Harthiyyeh and Qawwas 1997: 9–10).

This largely follows the universal trend in which private sector employers in the Arab region prefer to hire young, single females as employers expect that they will drop out of the labor market because of marriage and child care, and thus require fewer benefits. Such young women are often willing to accept low wages and they do not require benefits such as maternity leave. This female labor category can also be assumed to be more flexible in shift and overtime work. For employers, these Arab women represent a type of cheap, flexible labor which is attractive for enterprises struggling to secure a position in a competitive market.

7.3 Gender and Sectoral Wage Differences

Women also have different sectoral wages than men. In Egypt, for example, gender gaps in the manufacturing sector remain the widest and did not improve between 1970 and 1997. Similar gaps in wages in the manufacturing sector are also found in Jordan and Morocco. In the Occupied Palestinian Territories, the 1996 Labor Force Survey indicated that average female wages were around 60% of male wages. A study carried out in Lebanon in the 1990s revealed that wages of female workers in industrial and commercial establishments were around 80% of male wages. The gap was smaller in Jordan as female wages increased from 76% in 1989 to around 86% of male wages by 1996.

7.4 Gender and Difference in Participation in Economic Sectors

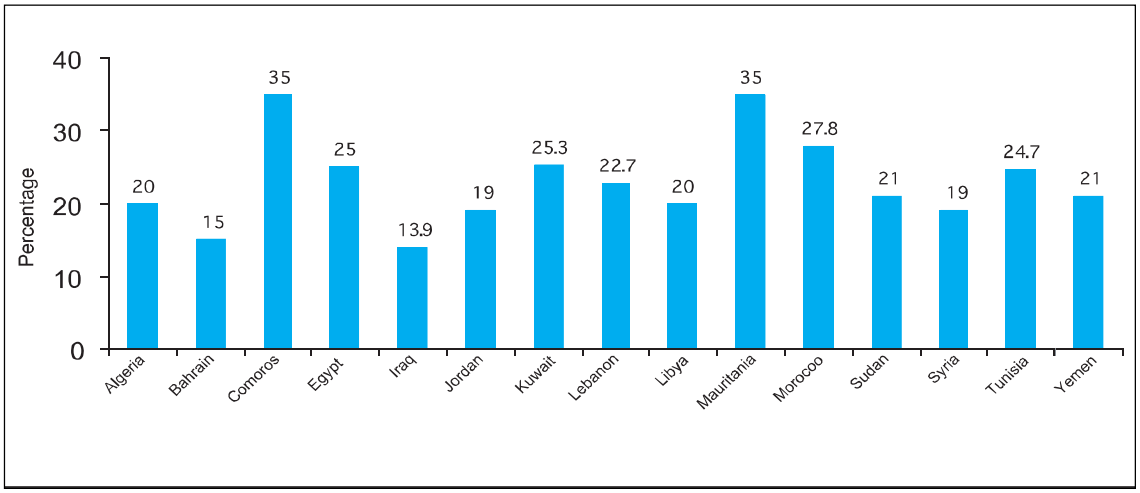
There are also gender differences by economic sector. Although women's participation in the labor market has increased, it has often been limited to jobs and tasks that reinforce women's reproductive and traditional roles. Women's participation in the economy was the highest in the 'service sector' in Egypt, Jordan, Lebanon, Palestine, Yemen, and the UAE. For women, work in the service sector generally comprises work in education or health. One explanation for the

concentration of women in this sector is that working in those areas are in line with women's socially constructed roles. Women are underrepresented in what are viewed as male occupations such as engineering, technology, and environment-related work. This can be explained by the general conviction of people in these countries that these occupations are more appropriate for men which results in women refraining from entering those fields (UNIFEM 2002: 35, 36).

7.5 Women's Earned Income as a Share of Total Earned Income

One of the indicators that measure the extent of women's economic empowerment in a particular country is women's earned income as a share of total earned income. Given the trends mentioned above, it is not surprising that, without exception, Arab women's earned income as a share of total earned income is low (UNIFEM, 2002: 37–8).

Figure 2.2: Women's Earned Income as a Percentage of Total Earned Income



Source : CAWTAR 2001

8. Women's Citizenship in Practice and in Theory

The tension between women's human rights and family obligations in the Arab Middle East has become a concern for researchers and analysts in the region. This report builds on this current awareness of citizenship as the key to social security by questioning the viability of obstructed or impaired citizenship. Moreover the report draws attention to the realities of demography, which are challenging assumptions concerning the ability of 'family' to perform the role of social caretaker on behalf of the state and society.

Box 2.10: The Gender and Citizenship Initiative

The Gender and Citizenship Initiative was launched in December 2001 with the UNDP's publication of a concept paper on Gender and Citizenship in the Arab World (http://www.undp-pogar.org) and initiated a policy dialogue with key partners in the region. In March 2002 the second phase of the Gender and Citizenship Initiative was launched with the production of four background papers on the topic. These were discussed in an expert group meeting that was organized in Morocco in July 2002. The initiative links good governance to gender needs and draws attention to women's current vulnerability particularly in terms of their unrecognized and unfulfilled welfare needs.

9. Family Social Protection for Women: A Working Assumption, but Does It Work?

It is clear that women need to gain access to more avenues whereby they can secure their own social needs and overcome the contingencies of their lives. To some extent, Arab states provide for this in their constitutions and administrative structures, but the developments of recent decades challenge these provisions and demand a fresh look at real social security for women. Women have a right to access to basic services, fulfillment of needs, a means of livelihood including into old age, access to disability benefits, security of well-being and security for their young children, access to legal rights, natural resources, credit, and assets, and most importantly, access to dignity and respect.

Assumptions that the male will be the breadwinner and the family can be the distributor and guarantor of security and well-being for women are not viable for

two reasons. Firstly, in some cases families cannot provide because they are unable to, and second, families do not provide because they are unwilling to do so. The solution lies in the hands of the state as a legislator and center of power, and with activists—including men and women and service providers—who can bridge this gap between women's needs and their fulfillment.

Governments need to play an active role in ensuring women's security.

Women still shoulder the majority of unpaid caring work that is not covered by social protection, and which prevents them from beneficial employment. Even women who currently have no caring responsibilities may be discriminated against on the assumption that they will acquire them in the future. Governments need to play an active role in ensuring women's security:

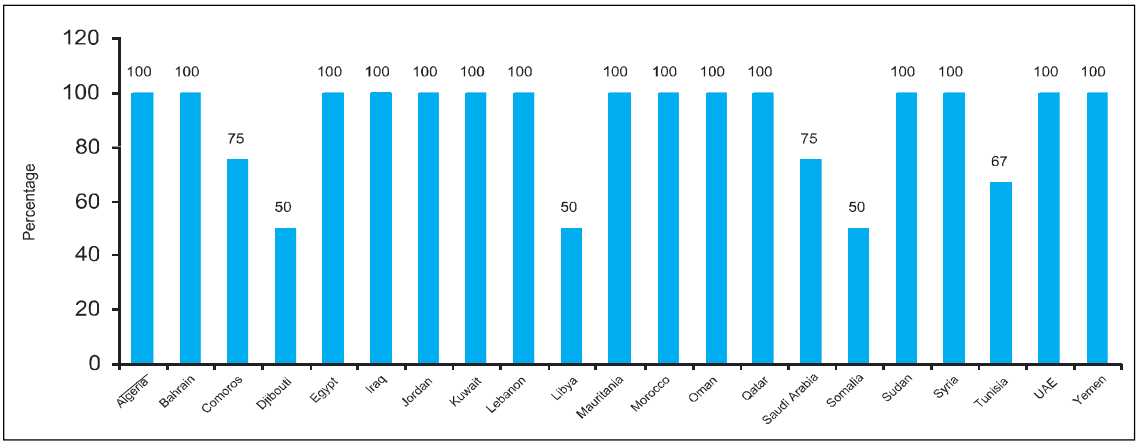
- Governments can either support individuals to ensure their own social security by creating an administrative, legal, and ideological/cultural framework that facilitates full citizenship for women or shoulder the responsibility themselves. Right now, the hardest hit are holding the fort. Poor women are making ends meet by doing all they can to weather the storm of poverty and rapid change. They are in need of some basic benefits to enhance their capability and provide them with insurance.
- Supporting gender equality in society through enforceable legislation.

Current social insurance and gender equality programs need constant innovation, monitoring, and a conceptual basis to work with people as participants, not recipients. Steps to be followed should include:

1. A review of current schemes to address discrimination. There are two types of discrimination:
   a. At the level of formal schemes discriminations abound. Women's dependency on husbands makes their social protection a derivative of the man's recognized rights while their rights often go unrecognized Social benefits must adapt to changing family structures and be based on the real stresses and limitations of the family. Schemes that permit women's early retirement do little to protect women's security while their children are young and their domestic and familial duties are extensive. In addition, this retirement measure can sometimes oblige or force women to retire before theywish to do so.

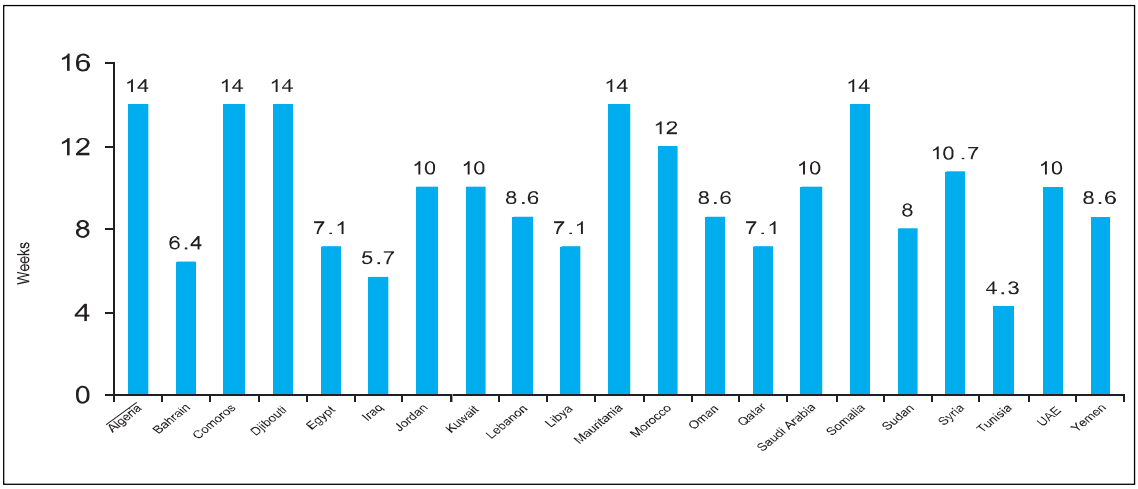
Current social insurance and gender equality programs need constant innovation, monitoring, and a conceptual basis to work with people as participants, not recipients.

Figure 2.3: Percentage of Wages Paid in Covered Period for Arab Countries



Source: CAWTAR 2001

Figure 2.4: Length of Maternity Leave for Arab Countries



Source: CAWTAR 2001

b. Indirect discrimination: Long qualifying periods and lack of coverage in sectors where women are more active. The lack of coverage for the types of production activities in which women are over-represented presents a great example of discrimination.

2. Recognition of the urgency of income needs for women.
All studies have shown poor women enter into the work force to supply the needs of other family members. School fees, books, meals, and clothes are often cited as the most urgent of these needs. Recognizing this and supporting women with addressing these needsis required. Social security measures can include direct assistance in child education benefits and providing school meals, clothes, and schoolbooks to alleviate the burden for mothers. Gender specific credit schemes, housing for female-headed households, pensions for non-working wives, mothers, widows, and single women that are indexed to inflation rates are other options that should be further explored.

3. Recognition of the value of women's familial roles and securing their present and future security through a number of mechanisms such as credit for housework and child care.

4. Facilitation of women's full social citizenship by providing equal rights to men and women and ensuring that women can access employment and its benefits through:

- Measures that encourage women to work.
- Ensuring that laws do not make employers prefer not to hire women.
- Providing paternity leave and days to stay home with a sick child for both men and women.
- Encouraging private sector schemes to insure those in informal or flexible production systems.
- Promoting the value of work for women.
- Recognizing women's citizenship in itself and not as contingent on her role in a family unit.

5. Using instruments of government and governance to redress discrimination.
Policy can be an instrument of liberation. For example, if for Muslims there are religious decrees concerning women's inheritance this does not in any way prevent the state from using its tools of legislation to redress

discrimination. Perhaps women could pay lower taxes on what they do inherit. Perhaps they could get credit or tax breaks, or be encouraged to at least claim what is rightfully theirs.

6. The creation of empirically grounded and future-oriented policies. Social policy needs to be based on the facts of the present and the expectations of the future. Changes in policy and in public climate must be made in anticipation of the demographic challenges of the future. The needs of the elderly, of the vast cohorts of young people, and of women and men who may be entering into an unknown territory in terms of marital relations, work opportunities, and family formations need to be considered.

In these ways, governments can make use of social means to prevent deprivation (promote higher living standards) and vulnerability to deprivation (protect against falling living standards). Universal schemes such as child benefits, health insurance, and old-age benefits can greatly enhance gender equality. Decent social protection can play a vital role in achieving gender equality.