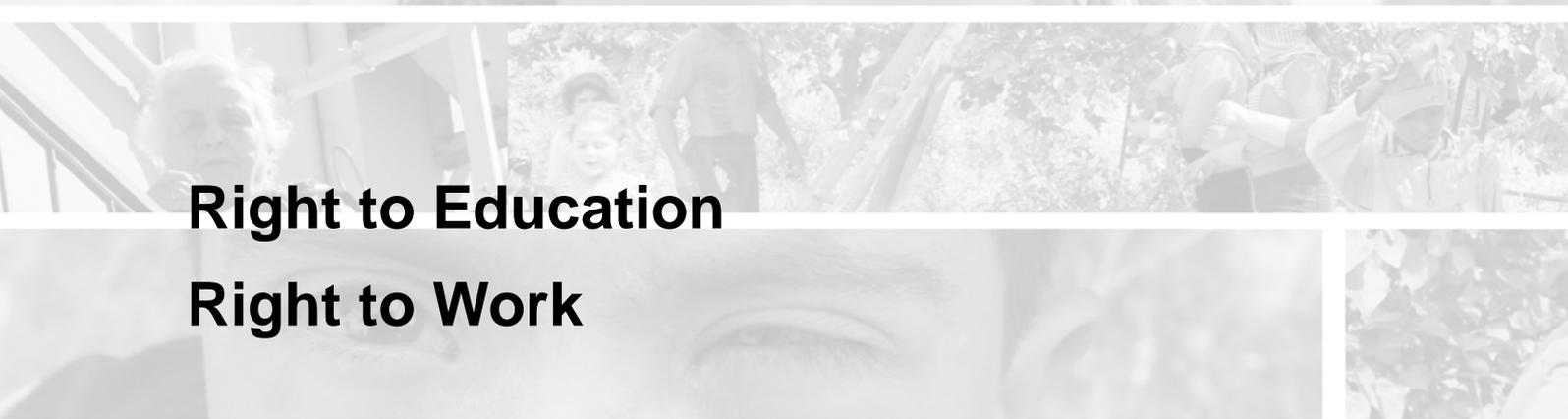




# Arab Watch on Economic and Social Rights



**Right to Education**

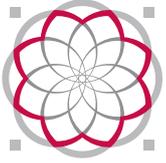
**Right to Work**



**Report**



# 2012



annd

Arab NGO Network for Development  
شبكة المنظمات العربية غير الحكومية للتنمية

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For more information, please contact the Arab NGO Network for Development at the address below:

Arab NGO Network for Development\*

Tel: +961 1 319 366

Fax: +961 1 815 636

P.O.Box: 14/5792 Mazraa 1105 2070

Beirut- Lebanon

Website: [www.annd.org](http://www.annd.org)

[www.csr-dar.org](http://www.csr-dar.org)

Email: [annd@annd.org](mailto:annd@annd.org)

\* The Arab NGO Network for Development (ANND) is a regional network operating in 11 Arab countries with 7 national networks and 23 NGO members. ANND's work focuses on economic and social policies and rights in the Arab region. ANND was founded in 1997 and has its secretariat office in Beirut since the year 2000.

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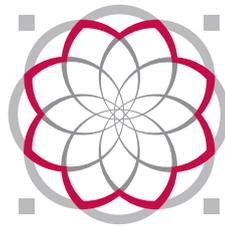


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# Arab Watch on Economic and Social Rights

**Right to Education  
Right to Work**

**Report**



**annd**

Arab NGO Network for Development  
شبكة المنظمات العربية غير الحكومية للتنمية

**2012**

# Report Team:

Arab Watch on Economic and Social Rights  
Right to Education - Right to Work  
2012 Report

Report Team:

**Forward:** Ziad Abdel Samad (Executive Director, Arab NGO Network for Development - Lebanon); Roberto Bissio (International Secretarial Coordinator, Social Watch); Slaheddine Jourchi (Research Coordinator, Arab NGO Network for Development - Tunisia);

**Regional Papers:** Adib Nehme (Economic and Social Commission for Western Asia-ESCWA - Lebanon); Dr. Abdelwaheb Ben Hafaiedh (President, Applied Social Sciences Forum - Tunisia); Mona Ezzat (Member of New Woman Foundation - Egypt); Mongia al-Hadfi (Legal Researcher and Activist - Tunisia); Sylvana Lakkis and Mohamed Lotfi (Lebanese Physically Handicapped Union-LPHU - Lebanon).

**Arabic Proofreading:** Mohamed Hamdan

**Arab NGO Network for Development Team:** Ziad Abdel Samad, Slaheddine Jourchi, Kinda Mohammadih, Zahra Bazzi.

**Cover and Design:** Omar Harkous

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## Foreword

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- Executive Summary of National Reports (Salaheddine Jourshi)





# Introduction

**Ziad Abdel Samad**

Executive Director,

Arab NGO Network for Development

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The following report was prepared by the Arab NGO Network for Development, in collaboration with members in 10 Arab countries. It is a reflection of the new approach adopted following the revolutions and uprisings erupting in the region and changing its characteristics. While the struggle continues to complete the process of change, it is hoped that this will enable the construction of a modern democratic state, which should doubtlessly be civil and where all citizens enjoy their legitimate rights without bias or discrimination.

This is the first report published by the Arab Watch for Economic and Social Rights and the initial result of efforts by around 30 researchers over the period of more than one year. After the review of regional and national reports (included in this document) and keeping up with tireless efforts to produce the final document, ANND attempted to identify the primary general conclusions facing civil society in the region, in light of its experiences in the past two years. It is hoped that the effort would contribute to the building process, by providing civil society with the knowledge base required to develop its approaches and negotiate with other stakeholders in order to adopt the appropriate public policies.

- **The Ambiguous Relationship between Development and Justice, on one hand, and Democracy and Freedoms, on the other**

The Rights-Based Approach to Development

“One of the achievements accomplished last century was the focus on the concept of global, comprehensive, and integrated human rights and their mandatory application by all parties, whether governmental or non-governmental.”<sup>1</sup> In the 21st century, however, the rights-based regime began expanding in favor of economic, social, and cultural rights, in parallel to political rights, with complementarity and indivisibility as key principles, as indicated in the two international covenants (ICCPR, ICESCR) supplementing the Universal Declaration for Human Rights (UDHR).

The Millennium Declaration, approved by the United Nations General Assembly in September 2000 and based on a report by former United Nations Secretary General Mr. Kofi Annan *Towards a Better Future for All*, was linked to the provisions of three types of freedoms. The first is freedom from fear, and the respect of the right to live in peace and security. The second is freedom from want and need,

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1 Qatran, Hatem, PhD (Tunisian scholar and expert), paper on Economic and Social Rights in the Constitution, presented to ANND.

and, therefore, the respect of economic and social rights. And the third is the freedom to live in dignity, and thus the respect of civil and political rights.

One of the solid foundations of a civil state is the legitimacy of the UDHR as the authority governing relations between the citizen and the state, whereby humans are seen as citizens with rights and duties, and whereby rights are derived from the performance of their duties. Citizens should not be exempted from their duties towards their nation for any reason whatsoever, since this could result in the violation of their legitimate and internationally recognized rights by governing authorities. The respect of duties, therefore, will buttress the respect of the rights to participate in identifying national and local goals and options, in addition to contributing to accountability and follow-up.

This is the basis that informs civil society organizations of the rights-based approach as a way to enhance true citizenship and modify relations currently based on the concept of subjects that practically leads to the emergence of a clientelist state.

Moreover, resources are controlled by decision-makers whose understanding of ownership of natural and material resources as the sole right of the ruler. This will ultimately lead to what is known as the “neopatrimonial state,” the term used by researcher and regional expert Adib Nehme in the paper he contributed to this report. It is what countries of the region need to avoid in the next phase, in order to bolster the establishment of a civil state based on a new social contract between citizens and authorities and founded on a rights-based approach and the concept of true citizenship.

- The Right to Development, the International Convention on Economic Social and Cultural Rights, and the Optional Protocol

ICESCR contains a number of basic rights, which all citizens should enjoy without discrimination on the basis of race, gender, color, language, or religion. It is therefore inseparable from the human rights regime adopted by the United Nations and approved by its members. The Covenant is therefore the common responsibility of governments, first, and other national stakeholders, second. But it also required international cooperation to tackle challenges resulting from the mode of international relations and its political, economic, trade, financial, social, and cultural aspects.

This is the foundation of the Millennium Declaration and the Millennium Development Goals (MDGs), thereof, which included the aim (MDG Goal 8) to “develop a global partnership for development” and international cooperation, which directly expressed the responsibility of major industrial countries in supporting and contributing to efforts aimed at reaching development, and, therefore, economic and social rights. The common responsibility inherent between local and national efforts, on one hand, and international work, on the other, leads to the promotion of the necessity of respecting fundamental rights for all, without bias or discrimination between citizens.

But it is also worth noting that the principle aim of all efforts, on various levels, is to achieve development as a comprehensive process that includes the economic, political, social, and cultural tracks. It also aims to achieve “welfare” to citizens by ensuring their active and effective participation in

the development process, based on the foundation of equitable redistribution of the outcomes of such activity in the community. This means that the primary focus of development must be the people, who contribute, in turn, to its achievement and profit from its revenue.

- The Comprehensiveness and Complementarity of Human Rights in the Arab Region

The revolutionary uprisings in the Arab region shed light on several fundamental questions that had been neglected for decades. The lack of freedoms, the absence of transparent and effective mechanisms for accountability, and the weakness of democratic institutions resulted in the persistent violation of economic and social rights of citizens. This led to the spread of institutional corruption in certain circles close to positions of power, who made profit and accumulated wealth, at a time when most citizens lived in a state of poverty, unemployment, and social marginalization.

While political and civil rights – especially the right to assembly, expression, participation, and creating political, trade, and social associations – were first taken up by human rights organizations, economic, social, and cultural rights remained as a secondary priority. This was despite the fact that international relations and partnerships established in recent years were based on economic interests and free trade.

The absence of democratically determined national goals, meant that trade agreements led to the liberalization of large sectors of production and services. Thus, partnerships were not built on clear foundations and specific aims, which reflect national approaches

and express the different interests of various segments. On the contrary, they came to serve the interests of a specific segment of the ruling class and its close circles.

Discussions which took place prior to the uprisings and revolutions in Arab countries had always pointed to the difficulty of achieving development in the absence of democracy. The same discussions, following the revolutions, are now pointing to the difficulty of achieving democracy without development. This delineates and demonstrates the integrity of the system of rights and all of its components, including the conventions and covenants thereof this integrity and complementarity will lead to the realization of the right to development.

This will also necessarily mean that states should be committed to full rights, including economic and social rights. This means a commitment to the right of civil society in observing and monitoring the extent of respect and implementation of human rights and fundamental freedoms without bias. This would require the elimination of all sorts of violations, whether those caused by national policies and practices or any form of international relations and interventions deemed discriminatory, or in the case of interference in internal affairs and the violation of national sovereignty or sovereign and national decisions, especially the right to self-determination.

- The Failure of the Development Model

In the period prior to the uprisings, it was clear that authorities had promoted a development model adopted in the early 1970s, based on the Washington

Consensus, which calls for liberalizing the economy, opening markets, and reducing the role of the public sector and the state. Most Arab countries, which had been implementing a socialist-like system, began adopting a system of extreme liberalism, without applying necessary controls to uphold the rights of citizens.

Following the implementation of structural adjustment policies (SAPs) and worsening social crises, those countries, often under the directions of international organizations, attempted to avoid the collapse of livelihood conditions for their citizens, by creating “safety net” programs to tackle deteriorating social situations, especially abject or extreme poverty.

Today it is evident that these policies did not have a positive impact on society, despite adjustments and improvements over the decades. This was also despite the desperate attempts to prove the opposite, through the manipulation of data and research results, sometimes, or the fabrication of indicators and their way of use, on other occasions. The uprisings came to emphasize that ignoring bleak realities was unacceptable, no matter how rosy the picture painted. It is therefore inevitable that such policies and approaches be reconsidered, starting from their foundations.

However, current discussions on national levels in the framework of relations with trade partners, financial institutions, and states remains stuck between two directions:

The first considers that the failure of past efforts to achieve social justice and equality between citizens was due to the lack of democracy and transparency, and thus the absence of accountability mechanisms, political participation, and peaceful rotation of

power.

Supporters of the second direction maintain that while the above reasons for failure to achieve justice are true, there are other, and probably more important, reasons. They are primarily due to actual economic policies and priorities and not limited to political and administrative aspects.

This debate on the reasons for the failure of development efforts to achieve the expected outcomes is accompanied by a dialogue on the international level, which became bitterer following the multidimensional international crisis, which hit in the second half of last decade. This was witnessed in the Financing for Development Summit (FfD) in Doha 2008, then in the two ministerial meetings of the UNCTAD XII in 2008 in Accra and UNCTAD XIII in 2012 in Doha, and, also in that year, at the UN Conference on Sustainable Development (Rio+20) in Rio. Some parties insist on considering the crisis to be a passing problem, which could be treated through traditional economic and financial remedies, blaming some beneficiaries or corrupt persons. Others stress that the crisis exposes the need to reconsider the models of international policies being applied, especially the need to control the movement of capital and foreign investment mechanisms. They propose the need to reevaluate the role of the state, in general, and the partnership with the private sector in protecting the rights of citizens and monitoring the implementation of policies related to their livelihoods and entitlements.

Reaching an agreement on alternatives on the macroeconomic level, namely development policies, will depend on this debate.

## **ANND and the Arab Revolutionary Uprisings**

At the onset of the revolutionary uprising in several Arab countries, ANND launched a wide campaign on the level of civil society organizations to demand the prioritization of economic and social rights and placing them on the agendas of political and social actors. It was necessary to consider such issues from the legal perspective, since they are fundamental rights that citizens of Arab countries should enjoy. It should be noted that they must be incorporated into the new constitutions.

ANND stressed on the fundamental role of civil society in this respect, to guarantee that the interests and rights of various social segments are upheld through civil institutions and establishments. Civil society should have a place in any future national dialogue aiming to identify major national aims and objectives.

ANND also worked on activating lobbying and advocacy mechanisms and programs aimed at financial institutions and international organizations that have an impact on national decisions. It called them to participate in national dialogues aimed at diagnosing imbalances and evaluating past policies that had been implemented for decades, before adopting future directions and objectives.

To strengthen its advocacy role, ANND works on developing the capacities of civil society organizations in this regard, through preparing resources and a knowledge base of research and analysis concerning the policies and challenges faced in the economic and social spheres.

To this effect, ANND established an observatory to watch over economic and social rights in the region, with an emphasis on policies and options that lead to the violation of such rights. The “watch” aims to publish regular reports (every two years) on related rights, to be used as scientific references for civil society in its defensive capacity and future negotiations. This report is the first from the new Arab Watch on Economic and Social Rights.

- Why the Arab Watch for Economic and Social Right

ANND’s annual report published in 2012 indicated the following:

“In the preceding period, ANND worked on strengthening the monitoring role, based on a methodology that attempted to analyze and discuss public policies in the region, based on locally-produced resources. This is in addition to supporting the role of civil society in creating an alternative decision-making perspective, rooted in local and national priorities and needs. The monitoring role was based on its being an integral component of ANND’s existing structure and activities, which focus on networking and capacity building. The regional report on economic and social rights – resulting from the monitoring process – is the main axis for observation mechanisms and complements the monitoring process in the context of UN mechanisms and EU-Arab relations, in addition to other fields of ANND’s work.”

The above segment, taken from a report evaluating ANND’s work, summarizes the background that led it to activate its work in monitoring, in hope that the regional report on economic and

social rights would become an effective and productive mechanism and a tool to bolster the capacities and role of civil society in advocacy and impacting public policies. This is in addition to strengthening participation in decision-making and policy formation and developing locally produced knowledge, with local tools, through consultation with the various segments of civil society. Practically, these make up the strategic directions of ANND as set by its General Assembly in the strategic plan for the next few years.

The monitoring process focuses on universal human rights principles documented in ICESCR and optional protocols and international agreements, which were all approved in principle by all Arab countries. It should be noted that the ratification of this covenant varies from country to another. Some have included them in the constitutions, whereby they became principles that superseded common law. Other countries, however, did not include them in the constitutions and gave those constitutions conflicting authorities in some cases, leading to reservations on some articles, namely those that affect personal rights. Some ratified the covenant through a vote in elected parliaments, although the majority of elections in Arab countries have not been fair and therefore have doubtful authority and claim to representation. This weakens their credibility and commitments, especially in light of the absence of mandatory international mechanisms. Reservations on some of the articles of the covenant have impacted its implementation, practically leading to invalidating the principles of integrity and indivisibility of the system of rights.

## Report Summary

ANND worked on observing and monitoring economic and social rights in several Arab countries, through following up on the implementation of MDGs (in Morocco, for example), Universal Periodic Reviews (UPR) in several countries (Lebanon, Egypt, Palestine, Sudan, Tunisia, Yemen, and Syria), and internal discussions with partners and experts who evaluated the network's activities, and some members who indicated the need to focus on one or more specific rights and monitor change thereof. But ANND decided to leave it up to its members in each country to select the right or rights that can be considered a priority in their countries, taking into consideration national challenges and individual needs to carry out the follow-up process.

Five or six rights were chosen, in practice, in each of the Arab countries that conducted the UPR in coordination with ANND, four of the rights were common to all countries: the right to work, the right to social protection, the right to education, and the right to health.

For the first report on for the Arab Watch on Economic and Social Rights, ANND selected one or two rights to be tackled, as a common thread among all countries, which can be considered one of the challenges currently facing the region. Based on this approach, the consultative committee related to ANND's program in this regard decided that the first report should primarily focus on the right to work and the right to education. These two rights were chosen, based on an assumption that they will become two principle challenges in all Arab countries.

Unemployment could have been the

main challenge in the past period and doubtlessly remains the main challenge to emerging forces, whether in power or outside. It is estimated that 55 million job opportunities need to be created in the next 3 decades in the region, making it a major challenge, in light of the spread of marginal employment (precarious or unorganized), taking up more than half of the labor force in the region in the most optimistic reports. It is well noted that this type of work does not provide for any rights or social and health insurance. On the other side, there is an obvious link between education and the job market, whereby curricula need to be developed to contribute to the rehabilitation of newcomers to the job market and empower them to be able to compete. This would be through developing the educational system qualitatively and quantitatively, in addition to expanding into new sectors, which take up an advanced position in modern national, regional, and international economies.

### **What Is the Right to Work?**

The International Covenant on Economic, Social and Cultural Rights stated the following pertaining to the right to work: “The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programs, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental

political and economic freedoms to the individual.” (ICESCR, Part III, Article 6 (1, 2)).

This right guarantees the following 4 basic standards: 1. Access to appropriate and productive work. 2. Ensuring safe and non-discriminatory work conditions. 3. Ensuring training and capacity building of professional skills. 4. Ensuring protection from obligatory work and unemployment.

The right to work also includes, the right of everyone to form independent trade unions, which are considered the primary safeguard to these rights, and the entity directly concerned in negotiation with authorities and employers to implement and respect these rights.

In the Arab region, where freedoms have been absent during the past few decades, no independent unions were formed, but a union movement emanated from within the ruling regimes to conspire with them against workers’ rights. Currently, the Arab region is going through a rise/emergence of trade and workers unions and which are supposed to be able to create an impetus/stimulus for civic work and civil movements in general for the protection of rights in general and worker’s rights in general.

### **What is the Right to Education?**

The right to education became an internationally recognized right with the adoption of the UDHR in 1948. It is included in a number of international conventions, covenants, national constitutions, and development plans. While most states have signed these international conventions and covenants, few have included them in their national constitutions or adopted the legislative and implementation

frameworks that guarantee the execution of this right.

When we refer to the right to education, we must take into account the four complementary standards developed by the former Special Rapporteur of the UN on the right to education:

Ensuring free education for all children while guaranteeing suitable infrastructures and qualified educators able to provide suitable education;

- Ensuring access to education and eliminating discrimination of access, and taking practical steps to guarantee access of the most marginalized categories;
- Ensuring acceptability (tolerance), this means that the content of educational curricula should be appropriate and non-discriminatory and conforms to the local culture. This requires the school to be a safe place and the educators to have needed professional standards;
- Adaptability, ensuring that education responds and adapts to the best interest and benefit of the learner in their current and future contexts. It should also contribute to non-discrimination specifically concerning gender, in addition to being culturally appropriate.

Education according to the standards of ICESCR includes four core elements/indicators to be realized: (1) Entitlement to free and compulsory primary education, (2) Availability of different forms of secondary education, (3) ensuring appropriate educational curricula and resources, (4) ensuring opportunities for everyone while respecting the freedom of education.

#### • Overall Context of the Report:

The report focuses on treating the general policies related to the right to work and right to education with an emphasis on violations concerning the concepts of equality and non-discrimination. These two concepts are at the core of the ICESCR. The report documents a number of cases and national demands campaigns, specifically those that achieved certain success, with the aim of documenting lessons learnt.

While compiling this document, researchers and experts collaborated with the different resource persons available within civil society and research organizations in an effort to reach a comparative approach to public policies utilizing both field work and research.

The report is divided into two main sections. The first deals with issues specific to the Arab region, researching the framework and nature of states and relation to their citizens. It delves into the new social contract that includes economic and social rights in addition to economic and social rights for women and People with Disabilities (PwDs). The second section includes 10 national reports drafted by researchers and activists dealing with both the right to work and the right to education.

Finally, the report includes a paper on challenges faced by citizens of the 10 Arab countries that participated in the reporting on the right to work and the right to education. The aim is to investigate common challenges.

An annex is included, which delineates the major indicators cited in the report on the right to education and right to work with the aim of developing the statistical parts in future reports.

(Annex available in Arabic version of report).

### **General conclusions:**

Going over thematic and national reports and based on the accumulated experience of ANND over the past years, specifically the period following the popular Arab revolutions, we arrive to the following challenges and recommendations:

### **Challenges:**

- I. The first challenge highlighting by the report in regard of the current situation of the region is in the ability to sustain national unity and steer dialogue aiming to unify national efforts. Divergences emerging at the political, confessional (religious), ethnic, or tribal levels create challenges that will mark the coming period with notable specificities, which should be seriously considered, in addition to work on find the appropriate national framework that ensures national unity and complementarity amongst the different national entities.
- II. Focusing on challenges related to international entities and partners, we find discrepancies between national priorities and those of partners, specifically donor agencies. The coming phase is expected to focus on nation building and the adoption of public policies concerning the economic and social sectors especially. Consequently, an in-depth revision should be undertaken to inform the structuring of new policies. However, international organizations showing willingness to fund national policies still adopt

the same approach, relegating problems to mechanisms of previous regimes and not their practices.

- III. In this context, a challenge appears, namely defending national sovereignty, which means the ability to draft public policies based on national priorities and not necessarily in line with attracting foreign investments or requirements to join the global trade system through multilateral or unilateral agreements. It is well known that trade agreements generally lead to diminishing national capacity to formulate policies, in addition to imposing the conditions of international monetary organizations in line with donors and partners which are often in conflict with national priorities.
- IV. In this context, nascent governments should be empowered to draft a relation of parity with partners, based on mutual respect and common interests. This is to be done through accurate identification of national needs and challenges according to participatory and democratic mechanisms. And it has to include all civil society, business and government actors. Eventually, negotiation can take place on the basis of priorities, strategies, programs and plans.
- V. What has been discussed above brings us to the need to review the concept of partnership and ambiguous partner relations. Hence, it is important to agree on the definition of the term/ concept partnership and to work accordingly. Partnership means reconciling the interests of all actors

and not prioritizing the benefits of one above the others, since the interests of the stronger actor are usually privileged. Consequently, this leads to posing the concept of partnership on the different national levels: relation between the state, civil society, and private sector which should be governed by partnership. In addition regional and international relations with partners should be based on common interests without special conditions or mechanisms that diminish the power of national decision making.

### **Recommendations:**

In line with what has been presented above, it is salient to face the challenges posited, through the following steps:

- I. Adopting a right based and citizenship building approach in the construction of the modern state, founded on a new social contract that separates between authorities and adopts peaceful and democratic mechanisms of peaceful transfer of power.
- II. Include within national constitutions the concepts of human rights and to incorporate economic, social, and cultural rights. And which is in line with the Human rights convention ratified by all Arab states, with the necessity of eliminating reservations and revising national legislations to be in line with the convention.
- III. To work rigorously at the regional level to establish regional organizations that will eventually contribute to Arab autonomy on the different levels, namely economic and trade cooperation, in line with mechanisms that guarantee rights and benefits in all Arab countries concerned.
- IV. Work rigorously to draft or establish international partnerships that can support countries in the region to surmount challenges and continue the democratic structuring of national organizations in addition to developing their capacities. This will eventually enable these organizations to respond to national challenges and citizens' needs. And this can be actualized through respect of international laws and institutions, which in turn should be democratic, to guarantee

the rights of developing countries and their citizens.

**Conclusion:**

We hope that this report presents useful substance for dialogue in a regional seminar to be organized by ANND, which will go in depth into the main conclusions reached by both experts and researchers. The aim is to come up with an action plan that can contribute to the mobility of civil society.

In our review of national reports, we aimed to reach general recommendations on the regional level, taking into account the difference in the kind of recommendations that are presented on the 3 levels (national, regional, international).

These summaries are to be presented during the Arab Economic and Social Summit (Riyadh, early 2013). So it can be a conception presented by civil society to Arab leaders contributing to a constructive dialogue concerning challenges of the upcoming phase, specifically concerning development. In addition it provides objective and scientific material that contributes to empowering and strengthening negotiation of civil society in its national struggle to reach social equality.



# It started with King Hammurabi...

Roberto Bissio,

**Coordinator of the international secretariat of Social Watch**

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Some four thousand years ago, King Hammurabi had the laws of his domains between the Tigris and Euphrates rivers carved in stone and placed in front of his palace. The laws were written in the plain language of the people, not in the arcane idiom of the priests, so that everybody could understand them. They were not engraved on clay, so they could not be changed overnight at will, and they were not hidden, so that all were able to access them and learn, for example, that even judges had a duty not to betray the rules in their decisions.

The basic principles of accountability of the rulers to the ruled were thus created and it is precisely to put them in practice that Social Watch was created. In the last decades all rulers of the world have committed themselves to the Universal Declaration on Human Rights (1948), that spells out the basic principles of human dignity, the Copenhagen and Beijing declarations (1995) that promise to eradicate poverty and achieve gender equality and the Millennium Declaration (2000) that commits them to ensure the simultaneous realization of a triangle framed by peace and security on one vertex, democracy and human rights on the second and last but not least development and social justice.

Those commitments were translated into every language and carved in the Internet, videos, radio and printed papers that all can access and are more difficult to hide and erase than a stone. Yet, the non-compliance with the formal promises, while morally condemned in all cultures and places, is of difficult enforcement. The commitments made to society tend to be easily forgotten if organized citizens and communities are not constantly reminding them.

Social Watch was created in 1995 to help governments remember their promises and to assist those governed to monitor the achievements... or lack of them. The first Social Watch report was published in 1996 and it included national reports authored by 13 non-governmental organizations in as many countries. Nowadays the Social Watch network has active coalitions that group over 1,400 organizations in 85 countries and the number of participants grows each year. Each national alliance defines its own priorities, message and governance mechanisms. To participate in the global network they commit themselves to be inclusive, to report honestly and to engage in advocacy and dialogue with society and authorities in every possible way, in order to improve the quality of the social policies and the openness of the mechanisms that define them. The network will in turn amplify the national voices, help develop methodological tools, such as the innovating indexes on

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**Social Watch was created in 1995 to help governments remember their promises and to assist those governed to monitor the achievements... or lack of them**

**Completely new regional Social Watch report, allowing for more in depth analysis of the challenges and opportunities in rapidly changing countries**

gender equity and on basic capabilities that Social Watch developed, and collectively held international organizations accountable for their own commitments.

In the international governance architecture, between the national and the global decision-making, regional bodies are playing a role of growing importance. The Social Watch network thus welcomes regional initiatives such as this first Arab report, which fills a vacuum in a moment when the Arab region recognizes the need for paying attention to the voices of its citizens and when the Arab civil society has emerged as a powerful voice and an inspiration for the struggles against authoritarianism everywhere.

The Arab NGO Network for development, ANND, which plays such an important role in articulating civil society voices in the Arab countries, has already translated in the past in various occasions key chapters of the global Social Watch report. Now it expands that valuable work by publishing a completely new regional Social Watch report, allowing for more in depth analysis of the challenges and opportunities in rapidly changing countries.

The Arab Spring which brings civil society to the center of regional politics after decades of authoritarian rule has been depicted as a novelty in the history of this part of the world. Yet, same as the notion of accountability can be traced back to Hammurabi, who reigned in what is now Iraq, the idea that the people (or “the subjects”) are at the base of a society and should be protected by justice was articulated in the 14th century by the Arab philosopher ibn Khaldun, the father of modern sociology, who in his Muqaddimah quotes Aristotle (who

worked from Alexandria, in what is now Egypt) as having established political wisdom in the following eight sentences:

“The world is a garden the fence of which is the dynasty. The dynasty is an authority through which life is given to proper behavior. Proper behavior is a policy directed by the ruler. The ruler is an institution supported by the soldiers. The soldiers are helpers who are maintained by money. Money is sustenance brought together by the subjects. The subjects are servants who are protected by justice. Justice is something harmonious and through it, the world persists”.

In the present world, this justice is codified in the human rights framework, which includes in an indivisible package civil and political rights (freedom from fear) and economic, social and cultural rights (freedom from want), including the rights of women, the rights of minorities, of the disabled and the vulnerable, the young and the old and is held together by the right to development. It is any government’s primary responsibility to respect, protect and promote the rights of its “subjects”, but those duties also include an extraterritorial dimension, which is to assist to the extent of available resources the realization of those rights where the maximum of efforts are already deployed locally and still prove insufficient.

Over the last two decades, since the fall of the Berlin Wall, the human rights framework has been strengthened by the creation of the International Criminal Court to judge human rights violators when local justice is not able to do so, the approval of the optional protocol to the Convention on Economic, Social and Cultural Rights to allow for citizens to litigate against

states when those rights are being violated and the inauguration of the Universal Periodic Review mechanism by the human Rights Council, requiring all governments to report at least every four years to their peers and allowing for civil society to present independent testimonies. In the social sphere, the Convention on the Rights of Domestic workers, approved in 2010 adds another instrument, in this case of particular interest for migrants and for women, to the existing mechanisms that defend workers' rights.

Yet, with even more vigor and stronger enforcement tools, even more rights were created in those same years for transnational corporations, including rights that persons don't have: Through a network of hundreds of regional bilateral and plurilateral trade and investment agreements, corporations have acquired the right to settle anywhere they want and bring any personnel they decide they need, they are allowed to repatriate profits without restrictions and even to litigate against governments, not through local courts but via international arbitration panels shaped to defend business interests and where human rights do not necessarily prevail.

The result of this imbalance between the rights of humans and the rights of corporations has been, on the one hand, increased inequalities all around the world and, on the other, the collapse of the financial markets in 2008, triggering a crisis that originated in the irresponsible behavior of unregulated banks in the richest economies of the world but soon became an economic crisis affecting people everywhere. Between now and 2020 one billion children around the world will become "young adults" (between 16 and 24 years old). Most of them will not be able to find a job or continue studying and, for the first time in recent history, this generation will have no hope of a better life than what their parents have... unless substantive changes occur. As many of the chapters in this report show, this situation is particularly dramatic in the Arab region, where youth is a major driving force in the demand for equity.

In the turmoil of the present world, this report deserves careful attention, as it will help reinvigorate the principles of accountability, justice and recognition of the basic role of the people that are deeply rooted in Arab culture and history.

**The result of this imbalance between the rights of humans and the rights of corporations has been, on the one hand, increased inequalities all around the world**



# Executive Summary of National Reports

## Burning Issues in a Turbulent Arab World

Salah Eddine Aljourshi

**Senior Research Coordinator at ANND**

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The Arab world might soon find itself unable to meet the needs of millions of men and women seeking decent work, due to the continuously widening gap between education curricula, on one hand, and the needs of the labor market, on the other. This is unless governments undertake a review of current social and economic policies and accelerate the development of regional cooperation frameworks, including the removal of barriers to unifying Arab markets.

Large segments of Arab citizens are already threatened with being deprived of their right to attend schools that provide the minimum of educational standards and guarantee them equal opportunity to improve their scientific knowledge, compared to fellow citizens in the same country.

According to several indicators, the knowledge gap between Arab countries and the rest of the world is expected to grow, due to the structural crises faced by regimes and educational institutions in the Arab world. The crisis begins with the serious lack of kindergartens, on to basic education, and then the crisis in university curricula throughout the region, where none of the Arab universities make it to the list of top 500 universities in the world, compared to 6 Hebrew universities that made it to the list.

This is one part of the reality, uncovered by the national reports published below, in this collective effort between researchers and field activists in 10 countries: Morocco, Algeria, Tunisia, Egypt, Sudan, Jordan, Bahrain, Palestine, Iraq, and Lebanon.

### Highlights from the Reports

The following aspects of the situation can be summarized from the reports on the right to work and right to education:

#### **First: Constitutionalizing Basic Rights**

It should be noted that Arab countries in general are still committed in their constitutions to the respect of the minimum of economic and social rights, albeit through sometimes-vague statements or cursory references, the legacy of the nation-state building phase, which was, at the beginning, more inclined towards the welfare state. In practice, however, and despite the inclusion of social rights in the texts, it can be said that policies adopted in those countries began to shed these commitments and relegate them to a lower priority following the transformations witnessed since the early 1970s. Therefore, the question of constitutionalization of such rights, including the right to work and the right to education, remains a priority demand, especially in countries where the revolutions succeeded and began a process of rewriting the constitution. These countries are required to

include in their constitutions all such rights, based on their adherence to international legitimacy.

### **Second: Security and Arms before Education and Health**

There is a tendency in most governments in the region to reduce budgets related to economic and social rights, including the right to education, despite concerns about escalating unemployment rates. The national reports below indicate that the security and military sectors still consume a significant portion of the budgets of some Arab states, even the smaller ones or those who do not face the risk of external attacks.<sup>2</sup> This indicates a fundamental flaw in the priorities of those governments and reveals hidden strings being pulled by regional and international powers to keep Arab regimes occupied with anxieties, suspicions and rivalries.<sup>3</sup> On this basis,

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<sup>2</sup> A new report published in Dubai “expected that spending on weapons in the MENA region would reach US\$118.2 billion by 2015. A company specialized in alternative assets management and publishing economic and analytical reports indicated that the MENA region is quickly becoming an influential player in the military products market. The report sheds light on the forms of spending witnessed by the regional arms sector. In 2010, the total spending in the region on military affairs reached US\$91 billion. States are expected to sustain investments in strong defense systems to maintain their sovereignty, protect their security, and avoid disturbances similar to those witnessed in what is being termed the Arab spring.” (Algerian Popular National Army web forum). The site also indicates that Algeria is the third highest spender on weapons in the Arab region.

<sup>3</sup> *New York Times* reported that US weapons sales increased threefold in 2011 and reached a record historical high, according to a study by the Congressional Research Service. The biggest change was due to its sales to Arab Gulf countries that are worried about “Iran’s nuclear ambitions,” namely Saudi Arabia, with purchases of US\$4.33 billion,

the working groups that prepared this report recommend the support of education budgets, especially to raise teachers’ salaries and “the need to rationalize government spending and raise the proportion of spending on equipment and educational supplies.”

### **Third: Market Liberalization Equals Fewer Rights**

The national reports agree that whenever successive governments moved forward with policies of free market economy, social differences widened and economic and social rights were reduced, especially in education and work, due to the link between services and income levels. This began to take hold with the increasing frequency of moving towards the liberalization of services as part of the commitment to free trade. The national working groups, made up of experts and civil society organizations, stress the need “to protect the principle of free and public education, as a public facility that guarantees equal opportunity to all without discrimination.”

### **Fourth: Women Are the First Victims**

Women are among the most affected groups and are vulnerable to the violation of their rights or their disparagement in various forms, especially during periods of crisis. For example, the report on Egypt indicates

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the UAE with \$3.49 billion, and Oman with \$4.1 billion. The newspaper indicated that Washington is pushing its Arab allies to establish an interconnected missile defense system to protect cities, oil refineries, oil pipes, and military bases from Iranian attacks. On the other hand, an article in the *Washington Post* about China’s arms exports to Africa, mentioned Sudan and Somalia as beneficiary countries. (“US and China Fight Over the Arms Market in the MENA Region,” *Youm7*, 30 August 2012.

that the unemployment rate among females was three times that among males, in the recent years that created the conditions of the revolution. However, despite their prominent participation in the recent revolutions, their proportion in leadership and decision-making positions is still weak and ineffective. They also suffer from their denial of career advancement opportunities, compared to men. Therefore, mechanisms to protect the work of women and ensure their equality with men in rights and responsibilities should be put in place.

### **Five: People with Disabilities in the Arab World Are Punished**

Despite relative improvement, especially on the legislative level, the situation of people with disabilities (PwDs) in the Arab world is still poor, although it is considered a vital segment of the region's population. In Lebanon, for example, their proportion is between 7% and 9% of the population. In Egypt, the number of children with disabilities reached more than 1 million, according to figures from 2006. The number of persons with special needs in Algeria is no less than 2 million. In the Arab region in general, there are 30 million citizens with various disabilities, according to estimate by the WHO and the World Bank. Nevertheless, budgets and efforts related to PwDs are still lacking. The ILO indicates that 80% of Arabs with disabilities are poor. The Lebanese case revealed an organic link between disability and poverty, as the majority of PwDs in Lebanon are close to the poverty line and have fewer opportunities to enjoy the rights to education and work.

Adopting the policy of social integration is an urgent need in the Arab world and, therefore, the need to work on integrating PwDs in the right to work

at no less than 10%. Teachers should be trained on communicating with PwDs, who should also benefit from the proper infrastructure in schools, universities, and the workplace.

### **Sixth: Civil Society Can Only Be a Partner**

There is an emphasis on the need for partnership with civil society, in addition to its role in monitoring violations, to draft policies related to employment and education. This is in order to strengthen mechanisms of accountability, participation, and deepening local democracy. On this basis, there is a need for schools to open up to their surroundings, through the active participation of parents and local associations," in addition to the creation of a "national coalition of all stakeholders in a national forum for education."

### **Diagnosis and Recommendations**

The reports did not only diagnose the violations to the rights of education and work. They also included a package of important recommendations and suggestions, some of which are related to policies and others related to practical aspects of protecting the beneficiaries of those two rights.

#### **A. The Right to Education**

- The reports confirmed the presence of a close correlation between the degree of poverty and academic success rates. This was especially true in the study related to Egyptian women, which showed children from poor families in Egypt who suffer from lack of educational facilities, witness a decline in their academic level. Therefore, it is the responsibility of governments to facilitate the access of poor children

to higher education, through direct assistance, such as creating a budget item for a fund for poor students to ensure their ability to enroll in higher education, as in some of the recommendations.

- The reports highlighted the size of failures recorded in the education sector, leading to the denial of a large number of children and young people under 16 from “full enjoyment of a good education. Educational policies were not successful enough to improve profitability and quality, nor did they reduce the disparity between rural and urban areas or among various social segments.” (Tunisia report).
- There is an agreement on the need to establish a common methodology to diagnose obstacles facing educational systems in the Arab world. This would be through “the regulation of a number of digital and qualitative indicators to assess the quality of education,” in cooperation with “global consulting firms” specialized in this this. There was also an emphasis on mainstreaming “the method of critical scientific thinking.”
- Illiteracy rates in the Arab world are still high. UNICEF sources indicate that 70 million Arabs could not read or write in 2011. For example this report shows that Iraq, which used to lead the region in scientific research, currently has 7 million illiterate people, 60% of whom are women.
- There is a need to link education with the job market and, in particular, to promote vocational education and more emphasis on technology and scientific research. However, this should not justify sacrificing human sciences or subjecting education to the logic of financial gain.
- There is a need to be aware of the serious repercussions of the widening of the gap between public and private education, for it will result in expanding social rifts and inculcating the mechanisms of discrimination between citizens. Based on this, working on “developing the quality of public education through material and moral incentives to the educational cadre,” was recommended, in parallel to “revitalizing supervision of private education.”
- Despite the significant budgets allocated by most Arab governments to education, this did not quite live up to the degree of transforming this vital sector into a strategic option. Moreover, this cannot happen without the injection of more large investments in the sector and the advancement of the financial, scientific, and pedagogical situation of teachers. This goes along with actively enhancing the educational environment through a radical review of curricula and required subjects. Failing to advance the quality of education will automatically lead to failure in other areas. The more the education budget is downsized, the bigger the effect on other sectors, including politics and the economy. In addition, reducing spending on public educational institutions demonstrates, from the social perspective, the state’s bias towards more wealthy segments of society. Egypt’s report indicates the bias of previous governments towards higher education, spending more on universities and less on pre-university stages. The essence of this policy is an indicator of the significant social discrimination. Therefore, the

report stresses the importance of establishing “strategies to enhance the capacity of poorer segments of society to access education and be able to continue, such as financial remittances to poor families, on the condition of enrolling their children.”

- Arab countries witnessed a significant increase in rates of school enrolment in the basic stages of education. But they also witnessed a rise in dropout rates, revealing a structural imbalance in educational and social systems. Therefore, the reports emphasize the importance of studying the deeper reasons behind such a phenomenon and to take serious action to stop the bleeding which threatens the human capital of Arab societies.
- One of the positive aspects documented by national reports was the increased concern by governments regarding the education of girls and establishing mechanisms to encourage them to continue their education, due to pressures by civil society and international organizations. This led to a tangible improvement of female schooling rates in the Arab world. However, this was not limited to qualitative features, since it also had an impact on the level of improved performance. Ratios showing that females are outperforming males, in all levels of education, are on an upward trend. In Lebanon, for example, 77.5% of all teachers are women and their academic performance is better. Nevertheless, the rate of unemployment for university graduates is higher for women than it is for men.
- National reports uncovered a geographical bias in many Arab

countries, where cities are ahead of rural areas and coastal areas are faring better than the inland, in a manner that deepened discrimination and social rifts, creating an enabling environment for waves of social indignation, whose manifestation was apparent in the protest movements sweeping the Arab world for the past months. Therefore, the reports recommended the invigoration of the role of various areas and regions through working on “restructuring the educational system in the direction of decentralization.

- International aid aimed to support education in the Arab world continues and remains significant in the development of resources for education. But, despite this aid, there is an absence of a comprehensive vision for the future of the educational system in the Arab world, as well as the lack of educational maps identifying the locations and fields where imbalances are occurring.
- The multiplicity of educational modes in the Arab world creates a new challenge that threatens to deepen binaries and could threaten the collective identities of Arab societies. This phenomenon is expected to increase after the revolutions, due to the increase in the frequency of sectarian, confessional, regional, and class antagonisms. In many Arab countries, this calls for protecting the gain of unified education and establishing public education as a solid platform for safeguarding national unity from factors leading to fragmentation.
- The reports call for more emphasis on preschool education, attention to early childhood development, and solving the sharp crisis in

kindergartens. The future of education in the Arab world is strongly linked to the advancement of the childhood sector.

- The concept of “academic freedoms,” based on international standards must be activated through “an end of political recruitment in education” and “distancing universities from private, political, or financial pressures.” This is in addition to “working to support the administrative and academic independence of research institutions, liberating existing aptitudes from the strangling bureaucracy,” and, in particular, “lifting the control imposed on universities by security forces.”

## **B. The Right to Work**

- The national reports highlighted the spread of a phenomenon described as the “vulnerability of work,” according to the term proposed by Dr. Azzam Mahjoub (Tunisia report), and the parallel informal economic sectors, according to the other reports. Secure employment has declined against the dominance of incidental work with temporary contract or without contract altogether. This created a wide opening for employment agencies trading in labor through local, regional, and international networks. In Egypt, the ratio of workers in the unregulated sector reaches 51%. In Algeria, neither the socialist heritage nor the oil wealth could prevent the number of workers with temporary contracts from reaching 2 million. In this context, the reports call on Arab governments to sign the optional protocol of the International Covenant on Economic Social and Cultural Rights (ICESCR) in

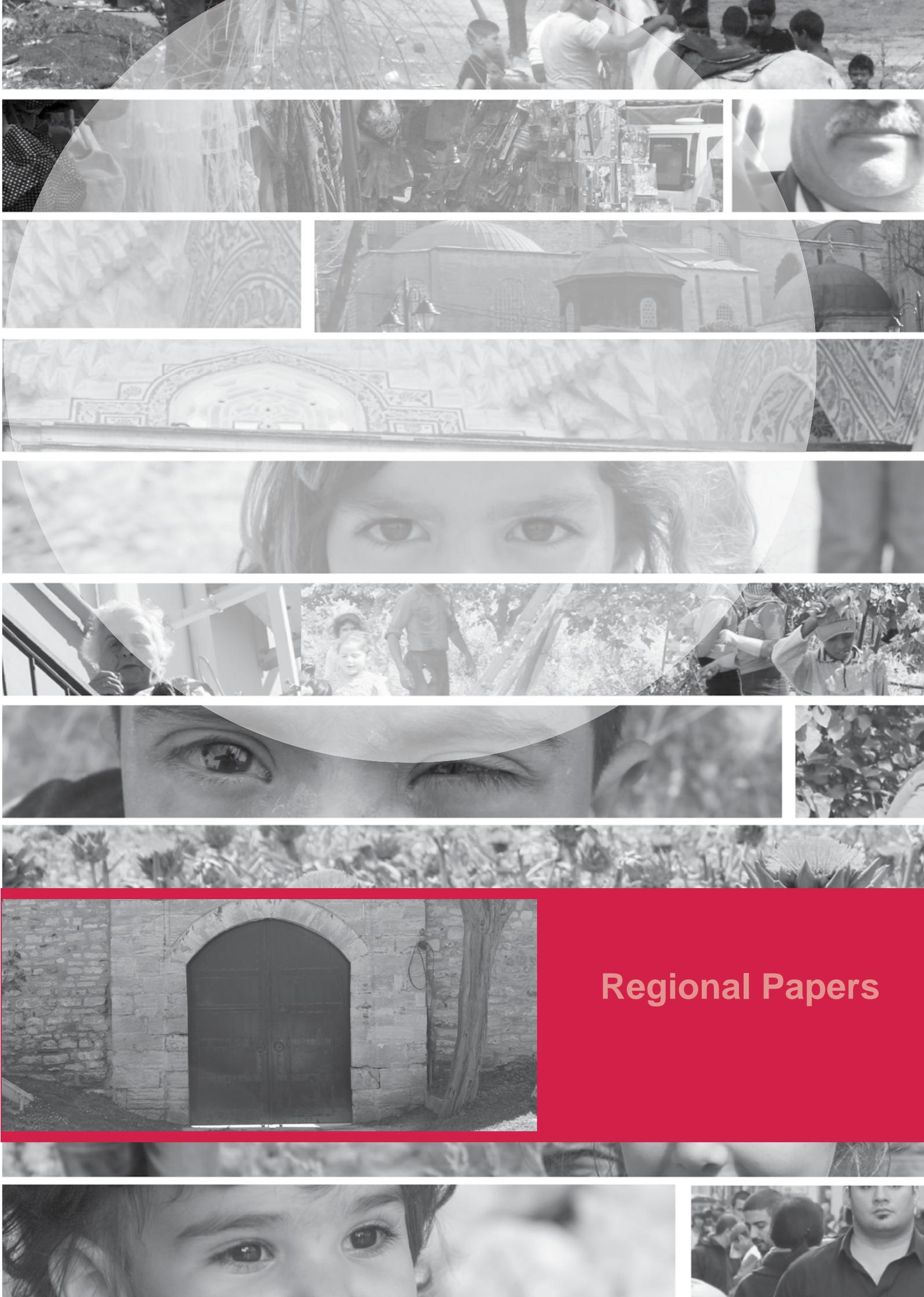
order to assess its performance in enforcing those rights, including the right to work. States should ensure the protection, security, and stability of work conditions and fix temporary workers.

- States in the Arab world still carry the main responsibility in providing employment for citizens, monitoring the job market, and initiating major strategic projects. However, due to the structural changes in the past 30 years, the private sector remains more capable of absorbing the labor force in many Arab countries. For example, the private sector in Tunisia employs 60% of the workforce in the country. Nevertheless, the problem lies in the fact that a significant proportion of private investors continue to avoid, for the most part, investment in major strategic sectors, such as agriculture and heavy industry, preferring the financial, real estate, and services sectors. This will deepen dependence on international markets. Furthermore, the social responsibility of corporations has not yet transformed into clear, legislated, and institutionalized policies in the Arab world. For example, social security systems in the region suffer from a structural crisis that could lead to their collapse soon. This will increase work vulnerabilities and deepen inequalities. Accordingly, the process of reform of social security systems and unifying their funds should be accelerated, in addition to increased control on their spending, investment, and management methods.
- There is a need to work on ensuring the recognition of the right to unionize and the promotion of union freedoms, including the right to strike. Numerous Arab

countries still impose restrictions on the right to establish unions, although it is an integral part of the concept of decent work, defined by international treaties governing the right to work. Several Arab countries restrict the work of unions and hinder the practice of this right. Therefore, working to build “a democratic and independent workers and trade unions movement, which is able to contribute to the achievement of civil peace,” remains a top priority.

- There is a need to work on reducing disparities in job opportunities in the different regions and between rural and urban areas, through compliance with all aspects of decent work, in addition to establishing the conditions for local democracy as a primary mechanism lifting the peripheries from the state of marginalization and reducing existing disparities between them.
- Child labor remains one of the widespread negative phenomena in the Arab world. One of the recommendations calls for a resolute confrontation of this issue, since it poses a threat to childhood and human rights.
- There is a need for a permanent social dialogue between governments, unions, and the private sector to ensure decent work, whose conditions include appropriate protection and the practice of union rights. In a sense, it is important to institutionalize this dialogue through establishing councils with the power to manage national dialogues on a regular basis. These structures should be expanded to include civil society organizations active on realizing economic and social rights.
- Governments should develop policies and budgets to encourage the establishment of small and medium sized projects by young people. They should work on the rehabilitation of university graduates through training programs based on the needs of the labor market. Absorbing degree-holders remains one of the major challenges faced by various Arab governments.
- The Israeli occupation is a direct threat to the enjoyment of the right to work by Palestinians. Due to the spread of many forms of such violations, the report suggests the re-evaluation of the role of international organizations, namely the ILO, in highlighting and handling violations of the right to work by the occupation.





## Regional Papers



# The People Want to Overthrow the Regime! But Which Regime? The Transformation from a Neopatrimonial State to a Civil Democratic State

**Adib Nehme**

Regional Consultant – ESCWA

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## Regime or Regimes?

The literal adoption of the slogan “The People Want to Overthrow the Regime” in all countries that witnessed political and social mobilization, despite the difference in the form the struggle took in different places, gives the impression that we face the same regime in all countries. It is as if the Arab youth who rose or protested in the streets and squares believe that the Arab regimes are copies of the same political model or an embodiment of a certain type of regime on the national level.

In the first weeks and months of the Arab Spring, mobilization became contagious, quickly spreading from one country to another. This gave legitimacy to the idea of the common features of all the regimes and the movements rising up against them. It also gave legitimacy to the fading Arab idea, which reappeared in the spread of the revolutionary movements and their slogans. This has revived the belief in the interconnection of Arab societies and can revive the concept of Arab Nationalism, in the same manner of the traditional Arab Nationalist movements in the past decades.

With time, divergent and different features of the various processes started to appear and take precedence in the analysis. On one hand, there was

the violent repression of the Bahraini mobilization, aborted through direct intervention from the GCC (while Arab and western countries turned a blind eye). Then there was the military track which Libya was pushed into – whose responsibility fell on the regime, in the first place, followed by a military intervention by NATO and other countries, including Arab states, under the Arab and international political cover of the Arab League and the UN Security Council (UNSC). This came as a shock to the initial reductionist view of the Arab Spring and its possible outcomes and it became more important than ever to study each track alone, leading to the opposite idea that circumstances in each country differ, to the extent of rejecting the common aspects.

Thus, the perception of Arab mobilizations wavered between giving precedence to commonalities in a reductionist manner and neglecting to see the deep differences in each country’s circumstances and mobilization, on one hand, and the exaggeration of uniqueness, in order to cover the common and similar features between those countries. This tool place concerning the causes and premises of the mobilizations, in their perceived aims and possibilities, and the common links, solidarity, and complementarity of actual processes for change, whether current or in the short and medium-term future.

This paper adopts an approach which

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**The future is being made every day through interaction and conflict between all parties. This movement cannot be controlled by one side or accurately steered towards achieving objectives set in advance**

recognizes both common and divergent features of a single historic turning point, each consecutively expressing one dimension of a complex social-historical reality. The similarity is reflected namely on the level of almost identical causes and triggers of protests and revolutions in various countries and even on the level of declared goals and possible outcomes or similarities between political-ideological currents and social formations participating in the mobilizations. However, differences and distinct features are evident in the level reached by the tracks taken by movements in each country. This is in addition to some differences in the political and social composition of participants in the mobilization; the characteristics of local, regional, and international actors; as well as the balance between each of their roles. National tracks are also affected by geopolitical positions and characteristics, economic and natural resources, the level of organization of political movements and their effective engagement in influencing the mobilization, the nature of the ruling regime and its experience in dealing with protests, the level of support of lack thereof in the international community, and the ability to create effective regional coalitions, etc.

In the end, the actually achieved track and the upshot of mobilization in each country and around the region has not been set *a priori* by any of the main actors, despite the fact that some big actors assume that they are able to control the mobilization, whether in a particular country or in the whole region, and – it seems – are acting based on this assumption. The future is being made every day through interaction and conflict between all parties. This movement cannot be controlled by one side or accurately steered towards

achieving objectives set in advance. Historical determinism is not possible here, not just the Marxian type of determinism, but, more importantly, modern neoliberal determinisms or the political and ideological determinism that prevails in the Arab region today, including the conspiracy theory, which is nothing but a vulgar and naive fatalistic way of describing history or the illusion of being able to control it.

### **Classifying the State in Arab Countries**

We begin with a legitimate question: What is the similarity between the republican presidential Tunisian regime, which is open and integrated in global capital, and the republican presidential regime in Egypt, which began as an Arab Nationalist and socialist system under Nasser and has now turned towards neoliberal globalization? What are the common characteristics between the Tunisian and Egyptian regimes and that of Libya, which is difficult to describe? The Libyan regime concentrated all state power and authority in the hands of an enlightened leader who came to power in a military coup, 4 decades ago, and created a rabidly personified rule, which is almost bereft of institutions in the modern sense, but which adopts an anti-imperialist revolutionary rhetoric. On the other hand, what are the common features with Yemen, which had been reunified following a series of wars. It is also a presidential system based on a traditional tribal structure, which is embedded in society and the state apparatus itself? What about the common features between Bahrain, a kingdom, and Syria, a Baathist state?

The list can go on to include other countries that witnessed less intense mobilizations and even those which

did not witness any mobilization in the past year, but can be considered part of what can be called an “Arab regime.” Perhaps this **paper on the concept of the “neopatrimonial state” can identify the essence of such an Arab regime, if it exists.**

To describe Arab regime, one becomes used to a set of terms, which are used to describe the nature of the regimes. Some of the terms are from the sphere of direct politics (dictatorship, authoritarianism, totalitarianism, statism, militarism, security...), some are political-historical (despotism...), others are political-economic (rentier...), almost sociological (patriarchal, tribal/familial/sectarian...), or focus on the type of administration of the state (individualistic, personified, corrupt, clientelist...), etc. It should be noted that the above terms are actual characteristics of those regimes, but they do not penetrate into its structure and functions or catch their true essence. Also, they do not reveal the common features among the subcategories, which could be described by the terms above.

There are several distinctions and differences between those terms, but there is also something that is common, which will be elucidated below.

### **Undemocratic Regimes**

First, there is the feature of **absence of democracy and public freedoms**, or their weakness and constraints. While Arab regimes can be defined in the negative as being undemocratic, a direct definition usually required its description as dictatorial, authoritarian, or despotic (the most common), that all carry similar connotations.

### **Dictatorship, Authoritarianism, and Despotism**

**Dictatorship**, as a concept, is the opposite of democracy, according to common usage, linguistic roots, and historical reference (ancient Greece). It can also be a military dictatorship (which is the most obvious) and a civil one. It is often characterized by wide-ranging authorities given to an individual leader, whose powers are almost unlimited, from the legal or practical perspectives. Regimes that adopt a form of a modern state and its institutions are usually closer to the concept of a dictatorship than those with a more traditional structure. Therefore, a **dictatorial regime presents itself as a sort of modern system** (the rule of former Tunisian President Zine el-Abidine Ben Ali was a prime example of such a dictatorship.)

The term **despotic regime** is in turn a reformulation of the concept of dictatorship in our countries, taking into consideration the historical reference of the region. The term itself refers to the concepts of Eastern, Asiatic, or feudal despotism (in the pre-capitalist sense) and it is a unique form of governance and tyranny witnessed in the region throughout history, from ancient to modern times (from the Pharaohs, to the Arab-Islamic empire in the middle ages, to the Ottoman empire). It is one of the forms of dictatorship in Arab countries, informed by the most backward form of despotism, which is different, in form at least, than the concept of dictatorship mentioned below that followed the industrial revolution. Despotism, thus, can be considered the dictatorship of traditional regimes.

On the other hand, the term

**The above terms are actual characteristics of those regimes, but they do not penetrate into its structure and functions or catch their true essence**

**authoritarian regime or authoritarian state** is more general and vague, and thus cannot be considered accurate (like dictatorship or democratic). It refers to the manner of practicing power, its legitimacy, and the degree of acceptance or rejection from citizens. Authoritarianism denotes the politics of coercion and force (physical and symbolic), the oppression of opponents and citizens, the tendency to bypass the law, or the application of unfair laws through force and repression, in the relationship between society and the components of the political regime. No authority can govern without a minimum of popular support, legitimacy, and legality; governing is an act of persuasion and coercion. When

persuasion subsides and coercion is magnified due to a dwindling support-base, authorities are prone to authoritarian practices based on increasing coercion. It transforms into naked authoritarianism, devoid of persuasion, supporters, or higher interest. The authoritarian aspect is shared between dictatorial and despotic regimes. It is a description of the manner in which the ruler exercises governance and the balance between elements of power and physical force compared to other tools of hegemony.

### **Statist, Military, and Security Regimes**

A section of Arab regimes is described as **statist regimes**, meaning that the state and its apparatus have a prominent role in the political, economic, and social spheres, which surpasses the customary role played by the state in liberal democracies following the European model. The statist regime can have a socialist tint (actually, a form of **populism**), which provides the state

with a major role in economic activity at the expense of market mechanisms. In this case, the state is described as an **interventionist state**, whether through central planning, a pivotal role in manufacture and services, or the legal restrictions and advanced organization of the market.

This type of intervention can also occur in economies that lack the “socialist” flavor, such as the intervention of the political administration in the market or in economic activity. Nevertheless, statism goes beyond the sphere of economics and into politics (and sociology), as ruling elites become more dependent on the state and its machinery in the reproduction of authority and rule. Therefore, they deliberately reduce the margins of relative autonomy of the state apparatus, as an administrative body, from political authority. In other words, a statist regime does not distinguish between the administrative and political functions of the state, its institutions, and machinery in a clear, legal, and institutional manner.

In a statist regime, the state apparatus plays a major role in governing society and reproducing authority. It also reproduces itself as a bureaucratic system as a tool for control by the ruler. Much like the dictatorial regime, a statist regime is closer in shape to a modern state, since it is founded on state institutions and its apparatus (as a civic entity). This is more so than regimes that are characterized as traditional, which draw an important aspect of their rule and dominance from primary social formations and affiliations (tribe, religion, sect) that share the influence and contribute to the establishment of power within the state and its machinery, if not being the very basis on which the state was built in the first place. Not all Arab regimes

are statist (Lebanon, for example, and the traditional systems in the GCC where the state does have a large role, even in economy, but are not statist in the sense mentioned above).

Some Arab regimes are also called **military or security regimes**. The **military** term refers to the role played by the army in setting up the regime or governing system in the establishment phase, or in its exercise of power and survival. Arab armies played a crucial role, in more than one country, in the creation of regimes in the establishment phase. This was through military coups that were pivotal for the launching of some regimes, at a later stage of their development (Egypt, Libya, Syria, Iraq, Sudan...), or which play a crucial role in the stability and continuity of the regime.

Military officers continue to play a role in many countries, even those with a civil government where the leadership often comes from the military establishment, where the military controls several aspects of the political and economic decision (Algeria, Egypt). Even in countries such as Lebanon, which cannot be described as a military rule, the past two presidents in the last decade had both served as commanders of the armed forces. This was due to unique reasons related to the nature of the relationship, functions, and the relative weight of internal and external parties in Lebanese decisions or those related to Lebanon. Therefore, it was a form of internationalizations or regionalization of Lebanese politics.

The term **security regime** indicates the transformation of the role of the military establishment itself, its balance with security services, and their relationship with authorities, ruling elites, or the ruler. We should be aware

that rulers coming from the military establishment, including through military coups, had systematically tried to weaken the military establishment – as an institution – in order to avoid a similar fate. A major part of the military's internal role was thus given to security services, which are more compliant to the ruler. Another reason is related to these regimes' external allies, who were not interested in creating coherent, well-armed, and powerful militaries, which might start thinking of a confrontation with Israel or even transform into an enabling factor toward independent decisions by national governments, rather than remaining dependent on powers that be in the global north.

On this basis, the use of the term security regime is useful when describing most of the cases at hand, especially due to the proliferation of well armed security services that are often overlapping with elite forces in the army. Thus, they become the principal arm of the regime in exerting its subjugation of society, more so than the army (security forces and the interior ministry in Egypt, presidential guards and interior ministry in Tunisia, Gaddafi's brigades in Libya, presidential guards and intelligence services in Syria, Saddam's guerillas and intelligence services in Iraq, various security forces in Palestinian National Authority (PNA) areas, etc.).

The use of the term **military regimes could indicate that the regime is not civil** (such as in Egypt and the SCAF junta in power) or other cases of **overlap between the army, security forces, and actual power centers** (such as in Algeria).

**Some Arab regimes are also called military or security regimes**

## **Lack of Recognition of Civil Society: Totalitarian Regimes**

**Totalitarian** regimes or states are a form of undemocratic states, in the sense of **negating democracy as cohesive regime**, in contrast to the restriction of democracy and freedoms as in other types of undemocratic regimes, where political democracy is fragmented and constrained. Actually, there are democratic constraints even in the most democratic of systems.

However, **a totalitarian regime is the negation of the democratic system itself – as a system** and thus contradictory to the democratic system. In particular, they are a negation and a rejection of the liberal aspects of democracy. Totalitarian regimes/states are established on the idea of one party or leading group, which considers its presence in power to be derived from (and an expression of) a **revolutionary legitimacy – an ideology more legitimate and superior to the constitutional authority in the liberal idea**. Totalitarian regimes are characterized by their **lack of recognition of civil society, based on a theoretical/ideological foundation**, where even the unions, professional groups, associations, and other societal formations are seen as an extension of the state or are made illegal altogether.

It is also characterized by its **rejection of a margin of relative autonomy of the state and its machinery from political power** and, therefore, it is the ultimate statist regime. The state and its apparatus are organically fused with the party or leading faction. It is also marked by the **concentrated use of ideology** (political, religious...), whereby **the party ideology becomes the ideology of the state and people at the same time**. The media, civil educational institutions, and religious

organizations are also heavily used for ideological propaganda. This is in addition to **building mass loyalist organizations** close to the regime and linked to the state, which are also called popular organizations, that can mobilize the masses, recruit them, and turn them into a force in support of the regime (state-controlled trade unions, youth and women's unions, pioneer organizations, popular committees, revolutionary committees...).

The totalitarian regime governs through authoritarianism and repression, supported by the power of ideology, mass organizations, and populist rallies based on institutional organizational work. Some of the examples of totalitarian Arab regimes were the Baath regimes in Iraq and Syria, the Egyptian regime under Nasser, and the Libyan regime under Gaddafi (another example in the region is the Iranian regime).

## **The Economic Dimension: Rentier State**

The concept of **rentier state** (rentier system) comes from economics, but it became crosscutting. Rent in economics is the return (income) derived by virtue of the status of ownership, position, or privilege enjoyed without direct involvement in the production process. Real estate rent is the most traditional type of this system, in the form of rentals and rental yields of agricultural lands, sanctioning investment in oil and mineral resources, bank interests, remittances from workers abroad, and so on.

This could lead to a situation where a person or entity occupying an influential position in a certain country become capable of benefitting from their position to achieve completely

new types of rewards or reap benefits beyond what is assumed, such as in monopolizer or sole agencies, controlling licenses and procedures, or imposing partnership in business or profits, whether as “bribes,” “kickbacks,” or as a direct partner (position rent).

Rentier states are those where rent plays the decisive role in economy and resources. Oil states are the most glaring example and where the real estate and financial sectors are the two main rent sectors, in addition to the mining sector.

But the notion of rentier state transcends the economic dimension into other aspects of state functions and spheres, in addition to social relations. The term is used to indicate a pattern of utilitarian-material relations that prevails between the ruler and his subjects. The state collects rent to increase the wealth of rulers and consecrate their powers. It distributes a share to subjects based on the degree of family kinship, connections, and loyalty to the center of decision or the actual ruler. Or, the share can be dispersed in a manner that guarantees the stability of the regime and its continuity in power.

The rentier system entails, by necessity, a collection aspect and a distribution aspect. Allotments are used to reproduce relations of loyalty and servitude, which exclude the possibility of shaping a relationship of citizenship based on rights, oversight, and accountability. The idea of rent/allotment is a contrast to the idea of productive labor/tax, as two distinctive forms of relationship between the ruler and the ruled. Taxes are a cornerstone of democracy and accountability in the modern civil state, while the distribution of shares of rent to subjects

is the opposite.

Taxes are the basis of the citizen’s right of oversight and accountability of the ruler. The distribution of shares from rent reproduces the dependency of subjects on the ruler. When benefits are distributed on a wide scale and in a systematic manner, it engenders rentier behavior in society, meaning that any citizen would be able to receive benefits without exerting any particular effort, based on loyalty, narrow alliances, or general affiliation to the state.

Rent is not limited to economic or financial; it can also be **political rent**. There are situations when political rent is more important than direct monetary or economic rent. Such is the case of Lebanon, where the state apparatus itself was transformed into a means for political rent (the reproduction of power using the same persons and political currents), in addition to being a tool for economic rent, through its control of procedures related to economic activities, corruption, abuse of public office, bribes, etc.

**Royalties are a form of rent based on force** (direct force or coercion, distorting procedures, or imposing the will of those in power). Royalties are used in internal relations and contracts to receive benefits, but can also be imposed in external contractual relations, whether with other countries or large corporations, when the state is in a strong negotiating position (for example, oil states could – and actually do – impose some conditions that oblige companies to set aside a certain proportion of employees for their nationals, or other conditions on investment, which are not supported by economic rationale, but are direct benefits of rent).

In general, the **rentier** aspect (economic and political) in Arab countries is

**Oil states  
are the most  
glaring example  
of rentier states**

strong. Sometimes it **appears in the nature of the economy, the performance of the state apparatus, or in part of the relationship between ruler and ruled** (distribution based on the whim of the ruler, outside the logic of taxes and rights).

### **Sociological Perspective: Paternalism and Patriarchy**

When the sociological dimension is infused in the description of a regime, the state is described according to the aspects of the society it represents. Therefore, **the description in this section is valid for the regime, the state, and also society.**

Some of the most widely used terms in describing Arab countries and regimes are **patriarchy and paternalism**. These two terms refer to a form of traditional relation between the ruler and the ruled, which cannot be described as a **relation of citizenship**, but that of a subject and lord, taking tribal, clan, and family as a socio-cultural model. Despite the similar meaning, there is a difference in the conceptual use of each term in sociological or political analysis.

I suggest the usage of **paternalism to focus on the care-giving and protective aspect**, inspired by the relationship of the father with his direct family (in the nuclear family model mainly). The term **patriarchy** will be used **to focus on the authoritarian aspect**, which is more directly linked to the public sphere and inspired by the relationship of the head of the tribe, clan, or extended family with its members, different tribes, and other formations

Political media discourse in the Arab world is saturated with terms that compare society with the family,

the ruler with the father, and the citizens-subjects with children. The image of the relationship between ruler and ruled is informed by daily doses of social and cultural traditions. In addition, **religion is also utilized as a traditional social and moral construct** and as a meaningful cultural component to bolster paternalistic relations on all levels.

This model of relationships is characterized by the emphasis on **respecting the authority of the older and more dominant male**, both in the private and public spheres. This discourse presents the political system as a natural extension of the family, clan, or tribal system, on which basis it forms a part of its foundations. Respecting and obeying the ruler become enshrined as social and cultural values on all levels. Chauvinism begins feeding the illusion of uniformity between the ruler and the male head of the family, transforming the latter into a small ruler over his sphere of influence. From being a father, he becomes the “ruler of the family.” The actual ruler obtains from this “natural order” certain elements of legitimacy, by emulating a father figure or family patriarch, transforming him from a ruler into a “father.”

A father earns his legitimacy from the family bond and blood relation and needs the authority accorded, in this case, by the patriarchal system. However, the ruler who has the authority needs the additional legitimacy accorded from the acquiescence of citizens-subjects to his rule. Therefore, he attains it from the private sphere of the family and the relationship of a father with his children. As a result of this exchange in sources of legitimacy between the public and the private, both spheres become disrupted and the mechanisms

of upward political and social transformation towards democracy are disabled in the public sphere, in addition to the model of a family open to dialogue among its members, rather than the authoritarian family model. Thus, patriarchal relations impede the progress of the state and the development of the family, simultaneously.

This similarity between the political system in its patriarchal or paternalistic capacity, is **a source of ongoing discrimination against women and youth** (including teenagers and children) and is a characteristic inherent in the masculine culture of patriarchy. Particularly in traditional societies, the culture of patriarchy contributes directly into shaping the legitimacy of political authority and its formation through electoral mechanisms that are modern, in form, but whose results can be controlled through the patriarchal control of the votes of the family by its leader.

This explains the stubborn resistance to unlocking the potentials of women and youth and their actual and effective participation in creating governing institutions. Patriarchal culture is a social and cultural basis for political counter-revolutions (including in the example of the current Arab revolutionary mobilization). Aspects of this culture are often used as a means to impose undemocratic political choices through provoking the rejection of any deep reforms related to women's rights in the public sphere, leading thoroughly to the disruption of democratic transformation.

In general, Arab societies and the political systems of Arab states have a strong patriarchal character, whose significance varies according to the relative strength of traditional social

formations and cultural practices in society, in addition to the level of modernization reached by society in recent years and its interaction with the world and the process of globalization.

### ... Tribes, Clans, Families

The characters of **tribalism, clannism, and family** refer to a regime whose form and influence are based on such traditional social formations that used to be the source of power and legitimacy prior to the creation of nation states in the second quarter of the 20th century. From a simple theoretical perspective, the creation of a nation state presupposes the creation of a strong national bond, which can rise above the ties of tribe, clan, or family. This leads to the retreat of those formations from their political roles, remaining as social formations as long as they are needed, without exaggeration, but also without a direct political role (according to the concept of the modern state).

But this did not happen in Arab countries (or in other Third World countries in general), where traditional (pre-capitalist) social formations had a major part in creating state institutions and ensuring the continuity of the regime. The most obvious example of tribal states is the GCC, where ruling authorities are the owners, such as in tribes. Also in Yemen, the tribe is one of the main foundations of the state, the army, and authority, in addition to being the prevailing order in society. Familial and tribal elements are present inside most Arab states.

Also in this respect, there is no need to mention that **family** here has nothing to do to the transformation of some regimes from their original form (republics) during inception, into

**This similarity between the political system in its patriarchal or paternalistic capacity, is a source of ongoing discrimination against women and youth**

**The sectarian system can be explicitly direct and expressly structured within state institutions**

a “dynasty,” following a grab of power by the ruler and his family on centers of decision and their subsequent inheritance or attempt thereof, such as during Ben Ali and his wife’s reign over Tunisia, the Mubaraks of Egypt, Gaddafi and his sons in Libya, or the Assads in Syria... This phenomenon differs from that of family and tribe as mode of social relations extending into politics and state-building. It is also different from monarchies, which are familial and hereditary by definition.

**... and Sectarianism**

In terms of **sectarianism**, we are dealing with a social formation with a religious aspect (the sect being the confession or faction in the general Christian and Muslim religions in the region). **The sectarian system can be explicitly direct and expressly structured within state institutions** and based on the socio-historical context of a particular country. An example is **Lebanon**, where sects, being effective social formations – as well as in political public affairs – which preceded the creation of the Lebanese state in 1920 (under Mandate). In Lebanon, this is identified as **political sectarianism**.

It could also take an **explicit but undeclared form** as a sectarian system based on political shares, as in **Iraq** after 2003. Over there, the regime took the shape of a **political-sectarian-ethnic confederation** (distinct from the Lebanese case where sectarianism preceded politics in determining the nature of regime and process of formation).

There could also be **strong sectarian features in a regime** when a particular sect is considered a loyalist social and popular force, and to which the ruler

usually belongs. Such is the case with Syria, where rule is through the party (Baath), family (al-Assad), and sect (the Alawi sect, which is considered a pillar and a buttress for the regime on a sectarian basis).

Also, **sectarian features** could be **implicit and latent**, floating to the surface at times of crisis (the Sunni-Shia image of the conflict in Bahrain or in other GCC countries to a lesser extent).

It should be noted that the above features (clan/family/tribe, sect) might intersect and overlap sometimes. The sectarian characteristic often goes along a family or tribal affiliation, giving it a double feature. In the Lebanese case, the sectarian system is in essence a system of political families inheriting power since the 19th century. These families have their particular sectarian affiliations, which makes the Lebanese political system and Lebanese state a family and sectarian political regime at the same time. The same applies to GCC countries, where sectarian affiliation is interlinked with family/tribal affiliation.

**Personified Individualism versus Institutionalism**

The terms related to **individualism** or **personification**, relate to a **mode of governance and state administration controlled by one or several individuals, as opposed to institutions**. This is of course in a relative manner, meaning that no political system or administration can be individualized and personified completely, without any institutions. On the other hand, no system can become institutionalized to the extent of neutralizing the impact of individuals from outside institutional

frameworks and procedures.

The issue is thus the relative weakness of institutions on the political and administrative levels, and its repercussions. On the political level, the more weak (or more correctly, weakened) the institutions, the closer we are to the rule of an individual resulting in arbitrariness; overlap between the legislative, executive, and judicial powers; disabling of actual control on the work of government; and disregarding laws, bending them, and changing them according to the interest of the ruler. The ultimate individual form of government is the dictatorship of the person (the person of the ruler), which raises to the level of sanctification and deification (Gaddafi, Saddam Hussein, Hafez al-Assad, Gamal Abdel Nasser, Yasser Arafat...).

When it comes to the administration (of the state apparatus), **the weakness of institutions means the diminishing application of the law, in favor of arbitrariness, nepotism, and corruption.** It also leads to the disruption of efficacy of management and the cloning of models of authoritarianism and clientelism on the medium and grassroots levels in the work of administration and direct contact with citizens. No longer will there be a known rule of procedures or the ability of knowing the time to complete a transaction, or its outcome. This will begin to depend more and more on individual relations and transactions. **Personhood and individualism are symptoms of political and administrative backwardness,** which is common in various forms in Arab states, whether those that are highly centralized or where the central government is weak and fragmented.

### **Corruption, Clientelism, and Co.**

The term **corruption** (and the related term of corrupt state), is one of the most commonly used to describe systems of government and the state. In essence, it is a description of the rulers themselves. The depiction extends to the state and system, when the practice becomes widespread inside the regime and its institutions. Here, corruption is when an intended benefit is achieved illegally through manipulating or violating procedures and laws. The more prominent examples are bribery, exploiting public office to receive material or economic benefits, carrying out transactions in violation of laws or their manipulation to achieve benefits or rights, and so on.

Corruption (in all its forms) is the ugly face of authority and administration, which citizens have to deal with every day and is obvious to them. Therefore **demanding the elimination of corruption has always been one of the most popular and repeated demands,** including in the latest mobilization, due to the simple and direct nature of the concept for most people. It should be noted that **dictatorships that ruled throughout history, often took the elimination of corruption by the previous regime as its main slogan and plan of action.** The slogan of anti-corruption or its elimination is **a popular and populist slogan** at the same time, which could be **one of the entry points of democratic transition, but also a vehicle for the production and reproduction of dictatorship.**

Often **corruption and anti-corruption's role is exaggerated unrealistically.** Corruption is a phenomenon of the reality of autocratic Arab regimes and not their cause. On this basis, **corruption cannot explain the situation in Arab countries in**

**corruption became an organic component of the globalized neoliberal system, due to the growth of monetary economy and its disengagement from real economy**

**the past few decades** and the thriving of forms of authoritarianism, lack of democracy, and the failure of economic and social development. Ending corruption, while a legitimate popular demand, does not carry strong implications related to alternatives, outside moral implications, or in terms of abiding by the law outside mere procedure.

Many times it seems that the phenomenon of corruption is almost certainly linked to the rentier and authoritarian state or to the state as a public sphere. But this is not always true. Corruption also exists in democratic countries, but it is more blatant in undemocratic states, which lack control over rulers, and in rentier states, due to the presence of resources that could be exploited from outside the mechanisms of production. In this sense, **corruption became an organic component of the globalized neoliberal system, due to the growth of monetary economy and its disengagement from real economy.**<sup>4</sup> Giant multinationals are one of the primary sources of global corruption, influenced by the sheer size of wealth they control. In fact, **it is difficult to envision actual corruption in the Third World (meaning high-level and high-cost political and economic corruption) without international companies and establishments, whose management is often a full partner in the economic activity and political and economic transactions in those countries.**

The spread of bribery in a particular country, in different levels of administration, is the generalization

<sup>4</sup> Nehme, Adib, "Globalization and the Socio-economic Dimensions of the Arab Mobilization" (in Arabic), paper presented to the ESCWA conference, Beirut, 25-26 August 2011.

of corruption. It can be seen as a form of redistribution [of wealth] among social segments, in favor of employees and intermediaries. When the practice becomes widely spread, it should be understood that this happens with the knowledge and agreement of the regime leadership. More so, it could be one of the realistic manners of ensuring a safety net for employees, in particular, to offset low wages and pave the way for career and livelihood mobility, to compensate for the deadlock in the upward social mobility of some segments.

From the perspective of form of administration and its working methods, **clientelism** is one of the types and manifestations of state corruption and its retreat from its own procedures and systems. Clientelism entails nepotism, appointment of relatives and loyalists in public and private positions, preferring them in various contracts with no right, using connections and private and personal relationships rather than respecting laws and regulations, and the spread of *wasta* [intermediary connections] and other practices.

**Clientelism is a way for generalizing corruption and distribution of rents** resulting from corruption, in order to bolster political rent and renew dedications (employment of accountants in state institutions). It is one of the ways to distribute economic, monetary, and political rent, which can be **used to be a form of counter-revolution or the creation of a counterforce against change and revolution.**

Generally speaking, the **concept of corruption is narrow and cannot explain the system of exchange of benefits** or "royalty" above a certain level of proliferation, when its practice

becomes generalized. Thus, another approach will be needed.

### The Need for a New Concept

The terms, concepts, and expressions mentioned above are all used to describe Arab states and regimes. All of them – I believe – are an expression of extant characteristics and attributes. They are not necessarily contradictory and can coexist inside one regime. Some are specific, others might be generalized, and they might even contain several other secondary concepts.

But there remains a need for a **more generalized** concept, which expresses the common feature between most Arab countries, despite the different regimes. The concept should penetrate into the **common essence** of the sum of Arab regimes, to arrive at the hypothesis of a virtual (abstract) “single regime.” The **compound concept** should absorb, at the same time, several or most of the secondary concepts and terminologies mentioned above. Simply put, if the political system of a particular country was dictatorial, individualistic, securitarian, patriarchal, and with a corrupt administration, for example, will it be possible to use a more generalized and essential concept? Could the concept represent the essential characteristics of such a regime, whereby other features become manifestations or specific forms of this fundamental property, or even its outcomes and impact? Can we find a concept that allows us to discover what is common between a statist dictatorial Arab country and a globalized neoliberal one, if it does exist?

On this basis, the concept we look for belongs to a more abstract analytical space, but I think that such a concept is

possible and it exists. It can be used to analyze the recent social mobilization in Arab countries to add an important dimension to the analysis, going beyond spectacle and narrow politics to comprehend what happened and help explore the challenges of transformation and its potential and desired outcomes.

In this regard, we suggest the use of the **concept and term of “neopatrimonial state,”** in the sense of “**neo**”-**patrimonial**, based on Max Weber’s concept of the **patrimonial state**.

### Origin of the Concept

Sociologist Max Weber distinguishes between two forms of governance. In essence, the first is the **modern capitalist governance**, based on the capitalist economic “rationality,”<sup>5</sup> which gains its legitimacy from general elections. It is run by a neutral and state apparatus (bureaucracy) that is relatively autonomous from the ruler, based on written rules and regulation applied to everyone. The second is the **traditional system** – in the sense of a non-capitalist “western” regime – whose legitimacy is based on tradition and where power is hereditary. It is run by a state apparatus loyal to the ruler, chosen on the basis of personal relations, and does not function according to written regulations and public procedures.

Weber calls this form of governance “**Patrimonialism**,” but it is often translated into Arabic as “**hereditary**.” It reaches its extreme form when the individualistic aspect of the system

<sup>5</sup> Notwithstanding the accuracy of the phrase “economic or capitalist rationality,” considered the basis of modern capitalism, one can objectively say that capitalism is distinguished by relative rationality compared to system that predated it.

**But there remains a need for a more generalized concept, which expresses the common feature between most Arab countries, despite the different regimes**

**One of the most important features of such regimes/states (hereditary and sultanic) is the blending (confusion) of the public and private sector**

becomes more advanced than the powers of tradition in establishing the legitimacy and continuity of rule, coupled with an extreme level of force and repression over citizens. Weber calls this the **sultanic regime** (borrowing from the despotic regimes of the East), which is a special form of (hereditary) Patrimonialism.

One of the most important features of such regimes/states (hereditary and sultanic) is the **blending** (confusion) of the public and private sector. The ruler treats the state and its apparatus as his own instrument and his own private property.

The term **Neopatrimonialism** is derived from Weber's definition, whereby traditions are no longer the source of legitimacy and the rule is not necessarily hereditary. In addition, the state and its machinery can function within a legal framework, formally at least. The concept was used to analyze political systems in Africa, Asia, and Latin America, but its usage to analyze states and political systems in the Arab world is limited and confined to academic circles. It has not practically found its way into general use in political literature, nor by the media or civil society activists.

The list of terms mentioned in the earlier sections remains the most widely used, despite their partial significance. Using the term Neopatrimonialism and its derivatives could be an addition to political analysis and the analysis of the nature of the state, its functions, and logic in Arab countries, including shedding new light on the current Arab mobilization and its prospects.

I suggest that the term Neopatrimonialism is translated into Arabic as the "**neopatrimonial regime/state**." The priority is to **Arabize the concept**, meaning to

represent it using a term that can carry the intended content of the word, rather than its mere translation. This means that **the term neopatrimonial state carries all the conditions, due to its implications, and can be linked to a form of governance in the middle, modern, and contemporary Arab history**; it is also consistent with the Weberian meaning.

The concept of a neopatrimonial state combines the idea of Patrimonialism and the sultanic characteristic, according to Weber's description of the sultanic state as a special form of Patrimonialism which tends to be more violent, autocratic, and weakens and the impact of tradition. Furthermore, **the term neopatrimonial state is a special case of Neopatrimonialism**, which is generalized in the Arab region. It is characterized by an advanced level of appropriating the state and the public space, in addition to the lack of democracy. The term is thus suitable to be used as a clear expression of neo-hereditary practices in Arab countries and is therefore more true to the expression of the reality of their regimes.

### **Neopatrimonial /Neo-hereditary**

According to Jean-François Medard, who points to three interconnected aspects of Neopatrimonialism, which are its concept, practices, and different possible formats, "the concept of the Neopatrimonial state based on the blending of the public and private spaces, seems...more relevant than the concept of the rentier state" (for understanding African states and regimes).<sup>6</sup>

<sup>6</sup> Medard, Jean-François, "État Neopatrimonial et État développeur: le cas des pays africains," Beirut, 15-16 February 2002, working paper.

Lebanese researcher Albert Dagher says that “the precedence of the concept of Neopartimomialism is due to its general character or the diversity of meanings that it could take, therefore its ability to be used to describe various models of Neo-hereditary states, where each model is a compound set of Neopartimomial structures and practices.”<sup>7</sup> Dagher uses the concept to determine the Lebanese case, by considering that the main characteristic of Lebanese Neopatrimonialism is that of chief/leader-client (parliamentary clientelism). He uses the concept to explain sectarian practices and administrative complications.

Alice Sindzingre follows the same direction in her analysis of states and regimes in Africa:

“Neopatrimonialism refers to the blurring of distinctions between the public and private sectors witnessed in the regimes of modern African states, which are no longer traditional. In those regimes, public resources are privatized, in the sense that they are managed as private property. The concept of Neopatrimonialism combines a number of features used to describe regimes, such as clientelism, nepotism, personalization of authority. But it also differs from those concepts as a result of the blurring of distinctions between the private and public spaces and its expression. Neopatrimonialism is also more general than the concept of corruption, and has a stronger political content. It refers to a style of building the state, governments, and their functioning, and their understanding of economic development as the private accumulation of public rents. The Neopartimomial state is different than crony capitalism, which is a concept used to describe the phenomenon of

<sup>7</sup> Albert Dagher, “L’administration Libanaise après 1990,” Beirut, 15-16 February 2002.

combining (and merging) the economy with politics and the common interest networks formed between senior officials and businessmen, who take turns in interfering and controlling the public and private sectors (as in East Asian countries).”<sup>8</sup>

In Neopatrimonialism, neither tradition nor inheritance is **necessarily** the source of legitimacy, nor are they always the way rule is established. The state develops according to the contemporary model. It has institutions, a constitution, laws, procedures, and regulations. State bureaucracy and selection of employees are also carried out on this basis. General elections to choose officials and rulers can also take place and provide them with legitimacy. All of this can be limited to the form of the state, its institutions, and relations. However, in terms of content, reality, and practice, things can get more complicated.

The main components of the (Weberian) Patrimonial concept remain in Neopatrimonialism, albeit in new forms. In particular, this means the intentional blurring of distinction between the public and private spaces, where rulers manage the state and its resources as they were privately owned. The same goes to blurring the distinctions between neutral administration and the political factor, in the functioning of the state, and, thus, the adhesion of the state apparatus with the ruling political elite

In terms of source of legitimacy, **elections become an empty shell and their outcome controlled by the ruler. They can be limited or dispensed-of altogether. Therefore,**

<sup>8</sup> Alice Sindzingre, “Developmental state, patrimonial state and economic development: are Sub-Saharan Africa - and East Asia comparable?” CNRS, Paris, June 2003.

**elections become an empty shell and their outcome controlled by the ruler. They can be limited or dispensed-of altogether**

**one cannot describe Neopatrimonial regimes as truly civil and democratic, meaning a political democracy based on the recognition of citizenship, the ability to change power through the ballot box, or the resulting relations and culture in society and its administration, based on the concepts of citizenship, rights, rule of law, the autonomy of the state apparatus from politics, and its neutrality.**

Nevertheless, it is wrong to assume that Neopatrimonial systems are merely a continuation of something that predates the modern capitalist state (chronologically and formally). Neopatrimonialism is not the continuation of the past, whereby it can be assumed that this “archaic” form of state and regime can be surpassed through progress and modernity. **Neopatrimonialism is an updated and contemporary model**, insofar as it is the product of the historical process carrying Arab societies, their states, and regimes, from the traditional mode to the **modern** mode. It is also **the product of contemporary developments, namely the actually existing neoliberal globalization.**

According to Sindzingre, “the phenomena associated with Neopatrimonialism are new, meaning that they do not emerge from traditional rules, but the manipulation thereof. It is a result of the transformation of institutions through the manipulation of their form and content, where new contents are given to traditional institutions in their old forms, including religious beliefs. It can also make old meanings and legitimacies take new forms, in democratic elections for example.”<sup>9</sup>

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9 Ibid.

According to Medard (and others), the blurring of distinctions between the public and private spheres, produces three key features that can be summarized as follows:

- Personification of power,
- The possibility of transforming political resources into economic resources and authority to wealth (interchangeability),
- Blurring of distinctions between the political and the administrative in the functioning of the state and its institutions.

It is also characterized by a weak division between politics, administration, the economy, the family, and religion.<sup>10</sup>

In the same vein, referring to Von Soest, Ahmad Beydoun describes the primary feature of Neopatrimonialism in Arab countries as “the grave ambiguity of distinctions between the private and the public. The private here pertains to people in authority, which tends (and this is the second feature) to be heavily concentrated, where it becomes personified in one person at its head. This person becomes the subject of hyper-veneration and magnification where attachment to his person replacement attachment to the constitutional and institutional structure of the state, creating a form of implicit symmetry between his will and the law. In fact, this ‘president’ does not practice his powers alone. Below him is an exaggerated apparatus and network whose arms are in full control of society’s particulars, which tend to rob society of the opportunity of creating formations which are independent of the authority of the state, turn summarized in the authority of an individual, and which can steer the latter into what suits its demands

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10 Medard, 2002.

and become involved in a political interaction that produces what can be ultimately termed as the will of the public.”<sup>11</sup>

In his text, Beydoun focuses on describing the manifestations of personification of authority in Arab countries, in addition to the manner in which rulers treat the state apparatus and its administration. The description is precise, as it clarifies the unique feature of Arab Neopatrimonial regimes, which are highly distinctive in their concentration of power, its personification, and the inflation of the role of the state, in addition to the high degree of arbitrariness in practice, which brings these regimes closer to the sultanic case. This is with the exception of countries with large resources (rents), which are better able to utilize organized methods of rent distribution based on traditional regulations and reduce the need for the constant use of repression and violence in ensuring the regime’s continuity.

Beydoun’s text points to some distinctions among Arab states, in relation to the sharpness of patrimonial and neopatrimonial features. **It is a difference in magnitude, rather than a difference in the essential features of the regime or state.** On one hand, there are the **hereditary/patrimonial regimes** (in reference to Gulf States), where the Neopatrimonial state/regime is closer to the traditional type of patrimonialism. It is distinctive in the fact that the legitimacy of power is based on inheritance and tradition, but where the abundance of rentier resources allowed the use of a portion of the rents to distribute in a traditional manner. Therefore **they are neopatrimonial regimes with a traditional paternalistic quality**, and

more akin to Weber’s Patrimonial state.

On the other hand, there are the **neo-sultanic regimes** (according to Beydoun, they include the regimes of Gaddafi and Saddam Hussein), where the features of neopatrimonialism are sharp to the extent of emptying free civil life of all its meanings and the practice of utmost amounts of violence, individualism, authoritarianism, and total control of the state apparatus in a powerful centralized regime. Therefore, they are **patrimonial systems with a sultanic quality**.

The third type of regimes, however, is closer to the neopatrimonial model according to the above-mentioned characteristics (common to all three categories), but it is not a hereditary system (like a kingdom or emirate), rather a “republican” system in form, which turned to practicing the bequeathing of power based on force, not tradition (Beydoun calls them “republicdoms” as in “kingdoms”). This type does not reach a level of hegemony over society that could completely disrupt autonomous civil life, press freedoms, or totally eliminate the opposition. The regimes of Mubarak and Bashar al-Assad are given by Beydoun as examples of this category, although I tend to believe that Assad’s regime is closer to Gaddafi and Saddam Hussein’s.

### **The Neopatrimonial of the Decentralized State**

The adopted approach is the one based on identifying a general concept (Neopatrimonialism or neopatrimonial system, as per our suggestion), without neglecting secondary manifestations revealing specific characteristics in the regime, which separate it from

**It is a difference in magnitude, rather than a difference in the essential features of the regime or state**

11 Op cit.

**Authority is shattered and fragmented, and the state is weak compared to other actors, a complete failure, or divided as shares and neopatrimonial among centers of power in society and the state**

other systems despite the common conceptual basis and framework. This is what Medard pointed to in his differentiation between the **concept**, the **practice**, and the **various forms** it can take.

I believe that the concept of neopatrimonial state could be used as the general common denominator (as an expression of the Arabized content of the concept of Patrimonialism), in addition to the list of other previously-mentioned subcategories (*sub*, in their relationship with the concept of the neopatrimonial state as utilized in this text). In this sense, the Libyan neopatrimonial regime (Gaddafi) and the Baathist regimes (Iraq, Syria) belong to the same subcategory of totalitarian states, in addition to the common category reached by the analysis of their political ideology (populist, nationalist, socialist, “anti-imperialist and anti-Zionist” discourse). They can be called **totalitarian neopatrimonial systems**.

While common characteristics could be found with Egypt under Nasser, the same cannot be said about the Mubarak regime, which belongs to a subcategory, in common with the Tunisian regime under Ben Ali.

Despite the high degree of concentration of power in most Arab regimes, which makes the use of the term sultanic state understandable and compelling, there are other countries that do not have this characteristic, such as Lebanon or post-2003 Iraq. These two countries are an example which goes further than the mere decentralization of the state (decentrality being a good thing, since it expresses a – theoretically – higher degree of participation in a country with a functioning central state). In those cases, authority is shattered and fragmented, and the state is weak

compared to other actors (Lebanon), a complete failure (Somalia), or divided as shares and neopatrimonial among centers of power in society and the state (Iraq, Lebanon).

Nevertheless, **the concept of neopatrimonial and neopatrimonialism remain valid; the main characteristics are still the same, but their manifestations diverge into a centralized form (Egypt, Libya, Tunisia, Syria...), or a decentralized one (Lebanon, Iraq)**. The situation could reach the point of total fragmentation of the state and society, in what could be termed post-patrimonial. However, the flexibility of the term neopatrimonial regime bolsters its adoption, since the logic of plunder is not limited to the state. It infects political and social currents, as well as local culture. It applies to the case of extreme centralization of the state, as well as when it is fragmented and shattered, where the spoils are usually smaller.

The multi-level reading of the concept of neopatrimonial (neopatrimonialism), ranging from the political-institutional and the social-cultural, to the relationship between text and practice, and the general and specific, are elements adding to the strength the wealth of the concept. It is also consistent with the ambiguous and complex nature of the historical phenomenon it represents. In a Neopatrimonial state, lines are erased between the individual and the institution, between the public and the private, between the administrative and the political functions of the state, between the republic and the kingdom or emirate, or between the traditional and the modern... Therefore, the adopted concept should allow a multidimensional reading, transforming it into an analytical tool

in political and social literature.

### Communalizing the State

In a recent study on the role of armies in politics in countries of the Arab Maghreb, Jean-François Daguzan uses “neopatrimonialism to describe the state in the Maghreb based on four criteria:

1. “Statefication” of society,
2. “Privatization” of the state,
3. “Clientelizing” society,
4. “Using a patriarchal manner in political relations.”<sup>12</sup>

These four criteria relate to the different levels of reading and analysis mentioned above, indicating the richness of the concept itself. However, there is a fundamental note related to the first, **the Statefication of society**. I believe this is a direct impact of the main form of centralized authoritarian states in the definition of neopatrimonialism in most of the references. The justification is strong, especially in the Arab region, due to the predominance of this type of states/regimes. For the purpose of theoretical abstraction and generalization, restricting neopatrimonialism to a statist centralized form is not very precise or general enough.

This is also related to two particular differences among Arab countries. **The first** is related to the presence of Arab neopatrimonial regimes, according to our definition, which are not statist (Lebanon is the prime example). Therefore, they are beyond the scope of neopatrimonialism, if statism is to

be considered a mandatory primary characteristic. The **second** level is a difference in the forms of Arab states. Even in the case of the Arab Maghreb, in the aforementioned study, we cannot consider the Statefication of society in Tunisia to have happened in the same manner as in Morocco. Both cases are also different than the situation in Libya and Algeria. Therefore, the description needs more scrutiny based on case-studies and facts, where similarities and differences are identified.

I also believe that **the most important aspect of the state in neopatrimonial regimes is its role, functions, and modus operandi, more than the statist or non-statist aspect of the regime**, even if the role of the state becomes magnified as in totalitarian regimes or even in states that are modern in form and less dependent on tradition. The same applies to the important role played by the GCC states for examples (namely Saudi Arabia), which derive their strength from tribal formations for the most part. Therefore, these cannot be considered statist systems like the nationalist socialist regimes, nor are they states formally built on modern foundations which try to emulate the image of western capitalist states (Tunisia and Morocco, to an extent) and others, even if they had a history of totalitarian nationalist socialism and later adopted the neoliberal model in full (albeit with much fabrication and deformations), such as Egypt.

Generally speaking, we notice that the Statefication of society stands out more sharply in the totalitarian neopatrimonial state version and in countries where armies and armed forces previously or currently play a key role in building authority and its continuity. In all the cases, **the**

**The most important aspect of the state in neopatrimonial regimes is its role, functions, and modus operandi**

12 Daguzan, Jean-François, *Maghreb -Les armées en politique: des trajectoires divergentes* (Armies and Politics in the Maghreb: Divergent Trajectories), Confluences -Méditerranée, N 29 Spring 1999.

**Even in non statist countries, the state and its apparatus play an important role in the reproduction of authority and politics, and the replication of vertical loyalties and divisions in society, in addition to other types of formations**

**Statefication of society is sharper in countries with a strong central state, becoming less sharp the more authority is fragmented and the centers of power are divided among regions, confessions, ethnicities, or tribes...** They are variations of the “decentralization” of authority (whether distributed or fragmented), which reduces the Statefication process by reducing the power of the state itself and sometimes where the state is not necessarily the strongest side in society (Lebanon, Iraq, Palestine). Moreover, the central state could have also been weakened by wars or civil wars.

Based on the perspective elaborated earlier, which gives precedence to the functions and modus operandi of the state, **even in non statist countries, the state and its apparatus play an important role in the reproduction of authority and politics, and the replication of vertical loyalties and divisions in society, in addition to other types of formations** (sectarianism, tribalism, provincialism...) considered to be the primary centers of power. On this basis, while this model of neopatrimonial state is not statist nor authoritarian on the level of the central state, as in the Lebanese case, socio-political formations, which are the main players and actual centers of power in sections of society, often carry all the centralist, authoritarian, and totalitarian characteristics in their spheres of influence and control. Therefore, we are in a situation where the central state can be described as a confederacy of secondary political systems with a partial social base, bolstered with varying degrees of loyalty systems (religious ideological, clannish, provincial, clientelist...), and which has a totalitarian or authoritarian aspect.

In general, each political center of

power will attempt to forcefully and unilaterally (if possible) control its social base, to use it to launch an attempt at the direct or indirect control over the whole regime, the state, and society. But while this is impossible in a unified centralized system with a diverse population and society, namely the primary loyalties (ethnic, sectarian, religious, tribal), **the form of the central state is a pluralistic political confederacy on the surface, but it hides underneath several forms of autocratic and even totalitarian control on the system's components.**

Lebanon is a flagrant example of this case, which demands the scrutiny of standards and the concept itself based on the diversity of cases and actual manifestations of the nature and functions of states and regimes in Arab countries. Again, the concept of neopatrimonial is able to encompass this diversity and plurality better than other concepts/terms and (almost) all the Arab cases, with a greater degree of consistency.

In the shadow of a neopatrimonial state, sometimes we find cases of state hegemony over society, therefore the “statefication of society.” But we can also witness the reverse when society overpowers the state. Thus we have the “communalization of the state,” as a form of hegemony by political power centers over the state and their control over it as a public expression (civil, in principle) of society, in addition to controlling its apparatus, which is (in principle) the public and common apparatus for managing the state and society. Each center of power would control a section of the state or one of its components or main constitutional institutions or collectively control the whole state. The terms “**communalization**” is derived from the use of the word

communal to distinguish it from civil society, where the first is a social formation based on primary loyalties and therefore traditional. The second is a social formation based on secondary voluntary loyalties, which is therefore part of modernity. This concurs with the concept of neopatrimonial (and neopatrimonialism), since the general framework of the neopatrimonial system must include the continued effect of traditional pre-capitalist mechanisms in economy, society, politics, and institutions. Its general inscribed and institutional form, however, can be modern and close to that of a state built on capitalist rationality. Thus, “communalization” of society is a compound concept with the following components:

1. Primary (traditional) forces of social formation, its culture, and practices (which often take an ancient inherited form) overcome modern civil formations (primarily including the concept of the individual citizen and the concept of citizenship),
2. The intrinsic nature of traditional social formation is transformed. It is no longer a structured system functioning by its own logic. Its components are transformed into constituent elements of a hybrid and modern social structure, which performs all its current and future functions in service of political-social powers that be, in their attachment to power, the struggle over it, and its reproduction,
3. The communal (traditional) social and cultural base is used to overpower the process of building a modern democratic state, consolidating its neopatrimonial aspect.

The act of **Statefication of society**

as well as **communalization of the state** do not represent a general contradiction between state and society, which pits one against the other. We are **witnessing the victory of the choice of neopatrimonial state over civil society and the civil state**. The consolidation of power of this choice could be derived by its use of the state to overpower civil society and the possibility of creating a civil state. It can also use the potential of the traditional social formation, its culture, and practices, to overpower the civil state and civil society at once. **The contradiction is between the civil and the neopatrimonial systems**, not between state and society.

In summarizing the meaning of the neopatrimonial state, in contradiction to other types of states, we can say that **the neopatrimonial state is a negation of the modern civil democratic state**, which was the common demand in mobilizations around the Arab world, from Morocco to the Gulf.

### **Local Spoils and Globalization**

An additional reason to take into consideration both the centralized and decentralized versions of the neopatrimonial state (or neopatrimonialism) is related to globalization and its repercussions. The process undertaken by Arab counties, as states, systems, and societies, is not unique in contemporary history, whose main global component is (neoliberal) globalization. These developments, including those that occurred at the level of states and regimes, are part of this globalized process and conform to its general directions, despite appearances. In various occasions in this text, we pointed to researchers who maintained that neopatrimonialism, or the neopatrimonial state as suggested,

**The  
neopatrimonial  
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democratic  
state**

**Extreme cases of a neopatrimonial state, where the state or parts thereof become pure spoils that are carved out and used as a source of rents in the global system directly**

is a modern phenomenon, also influenced by neoliberal globalization despite its archaic form.

The retreat of the role of the nation state and limiting its ability to be a (relatively) independent level and mandatory path for strategic decisions on the national level, holds in check or mediates (at least) between the global level and economic (and non-economic) activities in the concerned country, one of the main features of actually existing globalization. According to the logic of this globalization, all what is above the national (meaning the nation state) is modern and welcome and all what is below the national level (ethnicities, tribes, religions, local communities, sects, and native people that became a minority in a modern state...) deserves respect and recognition of rights. But all that pertains to the national level and its subcategories (nation state, sovereignty, national economy, borders, independent army, public policy...) is seen as belonging to a bygone era. The intervention of this national level is always considered an evil that must be avoided, especially when national governments do not want to act as a board of directors appointed by globalization to perform specific tasks for those who control the world order.

Based on this, the concept of neopatrimonialism and neopatrimonial state should remain open to the possibility of understanding and analyzing novel forms that manifestation of neopatrimonial could take in the current situation, which is characterized by the possibility of establishing a direct link between the sub-national and the global, without necessarily going through the nation state. It also needs to remain open to circumstances emerging from the weakness of the state or its complete

failure and fragmentation. These cases abound in several third world countries, including Arab ones, where the neopatrimonial state variant is distinct from the strong centralized state.

According to Sindzingre:

“After the failure of two decades of structural adjustments and the emergence of globalization in the 1990s, states emerged in SSA that were qualified as ‘post-patrimonial’. The extreme end of these ‘weak’, ‘collapsed’ or ‘fragile’ states is represented by warlord politics and their perpetual civil wars. In such regimes, the sufficient condition for the basic existence of a state is the possibility for a group to concentrate economically and geographically on the extraction of a rent that can be marketed on an international scale (mines, etc.). For states that have opened up their economy, globalization does not appear to have per se modified the foundations of the neopatrimonial model. Rather, it has made it possible to ‘globalize’ the circulation and profitability of resources, both legal and illegal: arms, off shore financial centers, or the ability to obtain hard currency.”<sup>13</sup>

In other words, countries of this type are **extreme cases of a neopatrimonial state, where the state or parts thereof become pure spoils that are carved out and used as a source of rents in the global system directly and without the mediation of the national level.** While the examples from the previous quote came from Sub-Saharan Africa, Arab countries have known this model or some of its practices in an explicit manner, especially in countries that faced or are still facing wars resulting

13 Sindzingre 2003.

in the acute weakening of the central state and the fragmentation of its geographic and social space.

These cases, it should be pointed out, will take their shapes based on naked force and the explicit and sometimes violent acquisition of revenue sources, which is what is called by related literature the predator state. In such systems, the relationship between ruler and society is more akin to that between the predator with its prey, which will ultimately be devoured and completely violated, including its consumption as a material entity. The status of a prey ready to be devoured raw is more extreme than that the status of the neopatrimonial system that correspond to society, institutions, and people in the related terminology.

These extreme cases include practices such as the return to piracy (Somalia), taking hostages for a ransom from internal or external sides, closing roads, passages, and obstructing the circulation of goods and people (and these are all examples of practices that can be performed by individuals or small groups), leading to the division of the country, partnership in large investments with multinationals, or political partnerships (political rent in hope of a future economic rent) with (major) countries.

What grabs the attention, for example, is that all civil wars in the Arab world always find someone to finance them. Party leaders and warlords in weak countries were always able to create alliances with foreign countries without difficulty. Also noteworthy is that the corporations themselves were always able to find arrangements with local sides to provide the continuity of their interest. Oil rich areas in Algeria, for example, were less impacted by the events of

the 1990s. Areas in northern Iraq, in turn, also found someone to provide international protection from Saddam Hussein's regime in the same decade, at a time when these international sides protected the regime to prevent its fall and allowed it to crush the popular uprising of 1991. Similarly, an integrated system of communications and coordination between armed local groups in Libya is used to protect the production and export of oil. Even the Hamas government finds sources for the funding that allows it to continue, whether through clandestine smuggling networks or explicit political financing. The same applies to Lebanon, in the past and currently, where political forces and parties were able to establish almost full diplomatic relations with external states and receive funding and support that bypassed the Lebanese state completely.

### **Patrimonial Capitalism and Economy**

The link between the wish to understand and the practical motivation behind this paper compels us to elaborate on some aspects that might have a positive impact on the attempt to predict the prospects of the Arab mobilization, especially in the process of "transition" between the neopatrimonial state and the modern civil democratic state. This is also related to the view that the neopatrimonial aspect (patrimonialism) of the state and political regimes in Arab countries was a deviation from the global process and delayed catching up with it. According to this view, the deviation occurred when the ruling classes in Arab countries did not necessarily follow the prescriptions of globalized international institutions nor did they

**Arab Spring will provide the chance for Arab peoples and their elite to truly commit to this guidance and follow the true capitalist model**

adopt a capitalist model of a rational and competitive market economy, although they claimed the opposite.

The reasons are multiple, but they can also be summed up in a simple populist discourse, claiming that the regimes were corrupt, that they distorted market mechanisms, kept the control of the state on economic activity, and carved out unjustified rents through corruption. They disrupted the process of transparency and rationality, rejecting democracy and the principles of good governance to stay in power and personified the institutions of state. In other words, ruling regimes kept their dealing with the modern world and the requirements of economic growth from the perspective of the past, using the concepts, methods, practices, and a culture that do not fit modern capitalism. In short, they see the current regimes as a mere continuity of the former traditional hereditary systems, therefore they are primitive regimes that still control the present, namely economic activity, despite some formal reforms. Therefore, the current neopatrimonial regimes are a transitional phase towards true capitalism, from an archaic form to a modern form, through liberating it from foreign patrimonial deficiencies or those inherited from the past. So, according to this view, the previous regimes did not comply with the advice and guidance of the elders of the global economic system at the time. They preferred the rule of corruption, rentierism, and quick and illegitimate profit over the rationality of capitalism and truly free market. They chose authoritarianism and repression instead of transparency and good governance. Therefore, the holders of this view believe that the **Arab Spring will provide the chance for Arab peoples and their elite to**

**truly commit to this guidance and follow the true capitalist model.** Only then, we would be able to rid ourselves of the imperfections of inherited patrimonialism and reach the paradise of development, prosperity, and democracy.

The pillars of the neoliberal globalized system – countries, institutions, and theorists – are today pushing in this direction, attempting to formulate **specific tracks for a so-called “transitional phase.”** In reality, this phase is nothing but a **package of quick measures aiming to re-establish the major economic choices of the past, the same conditions of the failure of development and the social and political trigger. They attempt to rid the countries of the defects of patrimonialism, teach the people and rulers the principles of good governance, elections, and constitution drafting. They almost reduce the whole reform process to fighting corruption and formal liberalism through general elections, as a prelude to a quick jump into the correct capitalist model.**

This did not prevent the huge rise of Islamist currents in elections in several countries or their alliance with centers of capital, which are “tolerant,” believe in “cultural specificity,” and will accept the results of the voting process as long as those forces adopt capitalism as an economic system and a radically different approach to relations with the state of Israel (which are two conditions met by political Islam, which will keep rising in the foreseeable future).

However, the above approach is diametrically opposite to the approach adopted in this text, in addition to many serious researchers who do not share the doctrine of the supporters of neoliberalism.

The components of an alternative perception, based on the concept of **neopatrimonial capitalism**, according to Oliver Schlumberger, are the following:

1. Stressing – from an economic point of view this time – that the neopatrimonial system is a **modern and original capitalist sub-system**, and not a pre-capitalist mode inherited from the past. The basis of its formation is not found in culture, or religion, or traditions, but in the structure of the current globalized socio-economic system;
2. As a **subsystem** of capitalism (Patrimonial), it is characterized by the **control of economic efficiency by political authorities**. It prioritizes the political over the economic, where the latter serves the former (thus it is rentier), contrary (in a sense) to western centers of capital where the economic level has palpable relative autonomy from political authority and the state apparatus;
3. The economy of neopatrimonial capitalism was described as a **mix of capitalist market economy and patrimonial socio-economic characteristics** (similar to the hybrid system proposed earlier). On the economic level, this results in divergent long-term ramifications of economic performance, making them less effective than central capitalist market economies (therefore making it difficult for neopatrimonial states to achieve developments or become developmental states);
4. As for the political-institutional and social-institutional characteristics, the control of political powers of economic performance requires

different standards to evaluate the general performance of the state and regime, as well as their effectiveness, than those of standards in central capitalist states.

**Evaluating the effectiveness of economic performance in neopatrimonial systems must be understood in light of the priority of political effect in the functions of state and regime.** But this does not conform with currently prevailing economic schools of thought.

The importance of this analysis lies in its prediction of the prospects of the current Arab social mobilization from an economic (and social) perspective and its identification of the nature of economic “transition” as prescribed by the pillars of neoliberal globalization and their applicability from a “national-popular” perspective (using the term from Samir Amin) or the developmental perspective (through a radical understanding of development and human development).

The bottom line is that efforts to move out of the neopatrimonial system through the development of market capitalism and integration into global markets are more likely to fail than succeed, due to the particular nature of globalized capitalism (in its current form at least). This is corroborated by actual experiences, where **transition into market economies in the past two decades were not coupled with real democratic transition, which was limited to some liberal procedures within a neopatrimonial system that is undemocratic by nature.** Moreover, globalized capitalism was for the most part firmly allied with dictatorships and corrupt and autocratic rulers.

To this effect, the current Arab revolutionary mobilization whose

program was informed by the agenda of direct political transformation, is realizing that the process should necessarily be continued through a socio-political agenda, which provides alternatives for the economic (and social) policies imposed by the alliance of globalization with neopatrimonial regimes in the past decades. The past neoliberal economic choices remain after the Arab Spring and they are an organic feature of the neopatrimonial system. The failure to find developmental alternatives to those choices will result in the reproduction of neopatrimonial systems, under a

new moniker and will lead to another cycle of crisis and eruption.

In brief, we are still at the beginning. What is now being termed a transitional phase – which some believe will be brief and limited to some political and constitutional reforms and “free” elections – is a poor understanding of the depth and width of the needed transformation in societies and systems. We are witnessing a truly historic formative stage and need rigorous work for years ahead to transition into civil, democratic, modern, and developmental states that can achieve freedom, dignity, and justice.

# The Role of the State: The Region in the Face of International Crises

– Between Socioeconomic Rights and the Adoption of Economic Liberalization Policies Is a Journey of a Thousand Miles: From the Guardian State to the Servant State –

**Dr. Abdel Wahab Ben Hafiz**  
President of the Applied Social Sciences Forum – Tunis

There is a word in colloquial language that today has become part of the lexicon of political discourse and signifies several things. This word was present in political discussions among people since before the Arab spring. Nevertheless, today it embraces the symbolic slogan of the revolutions, dignity, presiding over this slogan with tenacity and stubbornness, to transform into a psychological concept, singlehandedly reflecting the depth of the social issue and the commitment of the “state” towards its citizens, today and in the past. This colloquial word is “Humility”, and it’s derived from the root “humiliation”. The word comes to us from the 1990s, as a depository of social and political discourse and reminiscences of the civil war known as the Dark Decade, to become a part of the political rhetoric of the Arab revolutions (in Tunisia and Libya at least), affirming the inseparability of the social, political, and humanitarian factors.

Paul Ricoeur explains the concept of dignity (*La dignité*), as being the only thing that defines the individual as a human being, no more, no less. It is the state of minimal living with human conditions. It takes us further than the principle of the welfare state or the guardian state, as explained by

classical economics, later emphasized in the rhetoric of Arab authoritarian regimes, which traded freedom with “decent living,” later destroying freedom without achieving the latter.

In a comparative retrospect, opposite to “humility-humiliation,” we find the concept of “Indignation,” which was well circulated before the Arab Spring. In a book called *Indignez vous*, Stéphane Hesse had called on coming generations to rise up against social injustice recently unmasked by the strangling financial and social crisis.<sup>14</sup>

The youth of Athens and Barcelona translated this motto, with a similar slogan of their own, “*indigandos*.” The positive infectious feature of the social demands and protest movement under the slogan “dignity” surpasses the abstract political ceiling, to clearly encompass the social issues which were at the heart of the 2011 revolutions.

European countries witnessing the “regaining of dignity” movements, are not by any measure dictatorships or authoritarian societies. They are, rather, countries that have known political democracy and eras of living in welfare systems. But they are today faced with the limitation of such a model and to the extent to which it is incompatible with immediate social needs demanded from a state or regime whose social services have retracted due to the individual and

**The positive infectious feature of the social demands and protest movement under the slogan “dignity” surpasses the abstract political ceiling, to clearly encompass the social issues which were at the heart of the 2011 revolutions**

collective debt to meet needs of their living patterns.

### **First: From Welfare State to Neopatrimonial State**

The guardian state defines itself through a number of parameters related to a monopoly of legitimate violence. Somehow, the history of the guardian state branches out to and overlaps with what is known today the neopatrimonial state, after “welfare” having been a premise for the makeup of its ideology and rhetoric. Therefore, the moment of overlap between the welfare state as a slogan or rhetoric and the neopatrimonial state as an action becomes a declared and defining moment of a “force state,” which barter individual freedoms for collective and social security.

Arab neopatrimonial states operate within the models of undemocratic political systems, with a high operational cost. This not merely reflected in the “lifestyle” of these regimes and their consumption of resource, but in the services performed by the public sector, the readiness of the private sector, and tax constraints. Having an efficient state, producing more for less, is incomprehensible to a guardian state. In the context of the Arab world, this has taken an expensive military and security character impacting directly on social policy.

Despite the numerous development plans in the Arab world, social safety nets are characterized by working within the concept of “barter,” where the time and place of protection are linked in a haphazard manner, shifting continuously between the traditional and the contemporary social security

and protection model. There is usually a distinction between the traditional or unofficial model, where social and economic solidarity in times of need is present amongst a family, tribe, or clan and the official model which is lead usually by governments, and as of late, NGOs.

A common observation shared by most studies (Arab Human Development Report 2009) is that traditional tools in areas of social policy are not suited for cases of broad and widespread deprivation in various aspects of health and social protection.

Hypothetically speaking, civil society was required to play a role by the official society and fill the space and needs left behind by the government’s retreat. But the lack of freedoms limits innovation and creativity in this field. Arab civil society, as whole, has been weakened by political restrictions and marginalization and rarely takes part in issues pertaining to social services.

In a widening trend of limiting freedoms as a development policy, the state abandons its role in unprofitable service sectors, choosing to deal with people as customers (social customers), rather than citizens, or social users (Social citizen). The most prominent example of this is the example of development associations. In Tunisia for instance, development association are playing a wider role, due to the encouragement of international financiers to participate in a wide range of operations. However, the absence of a margin in the participatory approach, has transformed these associations over time into islands of tyranny. Thus, through sharing of influence between the communal and civil societies, the shaping of a neopatrimonial state

**Despite the numerous development plans in the Arab world, social safety nets are characterized by the time and place of protection are linked in a haphazard manner**

became certain.

One of the most important lessons derived in the Arab world concerning social policy is that freedom is the major component needed to develop those policies. Services rendered, despite their nature, whether in health, education, or social security, will lose meaning if they are not placed in a democratic context, where the sections that are mostly affected by cyclical economic crises are represented.

The most prominent reality of the services delivered in the Arab world, is that they lack legibility. That is mainly because the data available is either presented by states themselves or by international organizations working with governments. Furthermore the evaluation of the data is usually done by experts and research association that are closely affiliated with these governments and international organizations. In this context, the community is kept far from the data collection and analyzing proses, and even the ability to express needs and solutions.

Therefore, one of the most prominent features of the barometer for efficiency of local governance and public services, an initiative undertaken by the Social Science Forum to evaluate the performance of the welfare state”, is in being a unique experiment that can provide independent and effective indicators for the first time in the region.

### **Second: One step back, two steps forward?**

It is difficult to foresee the future of social policies of a country in isolation of its political reality. The

constitutional revolution in Europe developed in stages, culminating in the appearance of universal rights in the 18<sup>th</sup> century. By the 19<sup>th</sup> century, Europe and North American had concluded their political revolutions, followed by the social revolutions of the 20<sup>th</sup> century encompassing the development of social policies.

In the context of the generations of right, it could be said that the first generation of rights developed with the revolutions in Britain and North America, followed by the French revolution. Further development of the political track stretched over the next century, while social rights did not take shape till later. In other words, civic and political citizenship paved the way for social citizenship.

What is noteworthy here is that the novel “Germinal” by the French novelist Balzac was written in a specific historical context, describing in detail the daily life of worker, in a time when social right had not been established, a time long after the French revolution set the stage for political and civil rights. This consecutive generational development of civil, political, and social right might be the way that Europe.

Lord Beveridge, the architect of the welfare state described it as being constructed to protect the individual “from the cradle to the grave.” This model was able to impose itself on every country in Europe, with certain adjustments depending on local variables. By the 1960, democratic Europe had transformed into social democracies, mixing between the free market and comprehensive social protection.

**The trading of freedoms for “decent” living led to the prevailing authoritarian equation for a welfare state to claim the right to suppress an individual and his rights for the general good of the system**

Therefore, it could be said that the transition and development in the Arab world took a different shape:

The features of political citizenship in the Arab world emerged through the Arab Spring, after having experimented with different models which marked the intervention of the state on the level of social protection preceding the decades of globalization. In the Arab world, the relation between civil and political rights was based on the notion of the historical trading of freedoms or the sake of development. The distinct feature of this trade is the assertion that development and social rights come before the right of political participation and that the later could be sacrificed for the sake of the first. Arab and poor countries with rentier economies converge in this context, whereas oil seemed to be quick (but temporary) solution for the crisis.

The trading of freedoms for “decent” living led to the prevailing authoritarian equation for a welfare state to claim the right to suppress an individual and his rights for the general good of the system. The state claims to be the sole contractor, especially in the area of services, despite having the winds of privatization and structural adjustments blow away the last cornerstones of the public sector a quarter of a century ago, leaving nothing behind but a hybrid social system being tossed around and controlled by the free market on one hand and the tight grip of oppression on the other.

This historic tradeoff seems to be a part of the makeup of a rhetoric and ideology of a state without freedoms – and we can note that Arab states are the least contributors to the social

protection of individuals. Today, and after the launching of revolutions, and despite being anticipated, the social and economic cost seems rather high, be it may in the fiscal deficit or the rise of unemployment.

A survey of the “political confidence barometer,” carried out by the “Arab Barometer for Democracy in Tunisia”, showed that the confidence in the political actors was higher than that in social actors or the service and employment association. With the decline in resources in general, the states capacity for social protection declines, and the deterioration in service sectors like education and health increase, added to the decrease in employment opportunities and the flight of foreign investors.

Recent indicators published by Geopolicity, based on IMF data, point out to losses adding up to 75 billion US Dollars in the countries of the Arab spring. By all measures, the upcoming phase wont be linked necessarily to strong tributary development. The social question is not viewed today as less important than the political question, rather as being the root. In the context of a global financial crisis, the answer to the challenges of the social issues is not necessarily in going through an abstract increase in development, rather, it is a restructuring that entails the performance of government institutions (An expensive state or a less costly state?), and general living habits and trends (consumer societies), and finally through social culture (Charity or general wellbeing?).

Economic development on its own is not a scale to measure actual development or better standards of

living (GDP growth in Tunisia is over 5%, yet over half the population living in the countryside did not benefit from this increase). It is evident that the principles of economic development, growth, and the growth of personal income are based on fair distribution of income. There are two general models for the state's role:

The first is the liberal model. It depends on market mechanisms, which leads to shrinking the role of the state in providing social services (at minimum standards), being replaced by the private sector. This model was found in US society in the most important stages of its development.

The second is the social-democratic model, generally applied in Northern European countries. Some countries tried to apply this model with varying success. Yet today, this model finds itself in a crisis as well. Hidden underneath the issue of economic growth are the issues of lifestyles or patterns of living, and the manner by which the fruits of growth are distributed.

The concept of a welfare state ensuring a minimum standard of living is directly related to identifying the "minimum standards" of welfare and services: Where does this standard begin and end? Is it based on individual income? Or is it through interaction with elements of social welfare in accordance with their own various cultural and consumer patterns? Or is it through the states material and human resources?

#### **Fourth: A New Social Contract with Different Angles?**

The Arab spring revolutions brought forth two issues with significance to

the future of social policies:

The first being that the poor classes and the poorest of them are located in the margins or large urban centers (20 of February movement in rural areas and countryside, the eastern part and midlands of Tunisia, and the margins of the Syrian and Libyan societies etc.) and how the middle classes were not the carriers of the political rhetoric supplementary to social demands, in the early stages. Rather it was segments of society that least benefited from the economic growth indicators who carried them, well before the middle classes in the urban cities caught up and held protests and demonstrations.

The initial description of the groups that fell in front of fire suppression (through direct confrontation, or suicide-martyrdom) show that we face segments who are not engaged in revolutions through social networks and the Internet, which came later as the primary tool for urban youth, or so is the claim. In the same context, we note that the oriented support and services under the slogans of social protection and protecting the welfare state, only reached the middle classes, rendering these services cosmetic and intangible, especially on healthcare and education.

Today, there is evidence today that the compensation and some forms of social protection sometimes to go non-beneficiaries, and that it is appropriate in the future (taking into account the sociological nature and features of the groups objecting and most marginalized) to direct this support and protection to groups on the social margins and groups most in need.

Recognizing that, this position cannot materialize outside the context

**Economic development on its own is not a scale to measure actual development or better standards of living**

of democracy and amongst social components. There are many levels today to identify a new social contract, some to do directly with political actors, others to do with social conditions as an objective issue.

**The first level** is related to the links between the degree of social commitment by the state on the one hand and the demographic realities on the other. There are those who consider that an investment in human resource capital and increased social spending would lead to an accelerated demographic transformation (Mohammad Ibrahim Mansour: 455, 2006). They also recognize that the population increase has direct repercussions on social services. Yet these repercussions are not strictly tied to the absolute size, but also from the characteristic of the structural makeup of Arab societies, namely a young and wide base, taking into account the large urban growth/ This is not without its problems, the riskiest being, the widespread and expansion of ghettos, better known in northern Africa as the “red belts.”

Peripheral cities where the revolutions in Tunisia, Syria, and, to an extent, Libya (regions linked to Benghazi) were launched, then the Moroccan countryside, are witnessing a population increase in a difficult urban and developmental context, if not impossible. They are also areas suffering from the highest rates of deprivation on the level of services and social protection.

This accelerating population dynamic poses the question of balance in spending. Public spending on education and health, in addition to food subsidies, seems biased against of the poor (compensation includes a

percentage of daily bread, for example, which mainly go to the least needy, in addition to the tourism hotel industry, at a subsidized price). Such givens also apply on various levels of public services.

Is it normal to keep up with the slogan of “public service to all” while the dynamics of development, globalization, and crises demonstrate clearly that those who get poorer are in more dire need than those who get richer? This raises many question about the parties to the new contract.

Hence, the second level of the analysis (as a dialectical reaction) is revealed. It has to do with going beyond the obvious, which focuses on errors in social policies. It unfairly justifies political mistakes with the “population growth” pretext used by the Arab regimes and some international and regional organizations, including the Arab League, which described Arab youth as a social time bomb.

This paper’s approach is based on the critique of the population theory. It focuses on the problem of unfair distribution of income (Doudidar and Nasser Obaid Nasser 2006: 456) and the development programs that privileged some social segments at the expense of others. The issue here is related to the political geography of the new social contract, also the geography of services.

**The second level** is related to the development of social services through civil society (Houeida Adli, 2006: 497), when the role of civil society was put in the spotlight following the event of Eastern Europe and the crisis of the welfare state in Western Europe. Civil society was assigned new roles, some of which were related to democratic transformation and others to the creation of politics.

From here, the welfare state seems to have been facing a real crisis manifested in poor economic performance, leading to the rise of a current demanding a smaller government. This was in light of a new ideology in economic policies, which reached developing countries in the form of Structural Adjustment Programs (SAPs). It required the introduction of market economy, privatization, creating a suitable investment environment, the focus on satisfying the basic needs of the population, popular participation, sustainable development, and reaching the poorest of the poor.

The creation of NGOs was encouraged in this context. However, this encouragement was shaped by different visions, independent from the Anglo-Saxon method or intermediary between society and the state, in the manner of the French, which bring to mind, more or less, the idea of the third sector. To put the problematic in the Arab context, three sets of contributing actors were identified:

1. Economic policies in the context of economic liberalization and the major retreat of the state from the pivotal role it used to play economically and socially.
2. Democratic and social transformations.
3. The role played by international monetary institutions.

These factors had paved the way to radical changes on the quantitative and qualitative levels in the situation of NGOs working in the field of social welfare, whether alone and incompletely independent from the state or through partnership with governmental institutions.

The **third level** is related to the religious charitable model of social

policy (Khalifa Youssef, 2006: 543), which sees the religious factor as the most important and prominent in the context of alternative social policy, despite the lack of practical mechanisms of expressing this factor. In this regard, we can consider the electoral victory of Islamic parties as the main characteristics of and foundation of the charitable view of social policies, emanating from the idea of “good.”

It should be noted that the programs of these parties in Tunisia, Morocco, Algeria, Egypt, Libya, and Yemen indicate, to various degrees, that the biggest challenge ahead of them will most probably be the transition from the concept of charity to the concept of public good. The first is the individual and necessary component of the public good, which is the condition of dignity. But the latter is different in being an inalienable social right, not a gift given during a temporary and individual state of conscience. This could provide the idea of the service role of the state and the public good all its meaning.

**The fourth level** is related to considering social services as an outcome of political citizenship and local participation. This level, in particular, is the essence of the alternative proposed by the Local Governance Barometer. Services are a citizens right and a duty at the same time. This right and duty cannot remain linked to the mechanisms of the state alone, or vice versa, stripping it completely from the state.

Here, we can say the slogan the development is freedom and through freedom. This means society needs to regain the upper hand in identifying the features of public services, also in its evaluation, judgment, and development based on the idea of the

“public good.” From here, the legal space intersects with the moral space on the broad political horizon, for the welfare state, although no longer in existence today, will remain not too far from the ethics of care.

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# Economic and Social Rights of Women in Egypt

**Mona Ezzat**

**Member of the New Woman Foundation - Egypt**

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## 1- General Introduction

The questions of personal status and work are two revealing social issues when it comes to assessing violence and discrimination against women in the private and public spheres. The more society heads towards adopting the notions of justice, equity, and equal opportunity, the bigger impact they will have on related laws and policies.

Actual policies and legislation in Egypt are still tainted by several flaws and practices that preserve certain forms of violence and discrimination against women. Personal status laws (issued between 1920 and 1925) regulating family relations are still based on an authoritarian and patriarchal authority, which consecrates women's subordination to men.

The laws have only been partially amended, following long decades of struggle by feminist organizations. This included issuing Law no.1 in the year 2000, known as the law of *Khula* [allowing women to initiate divorce]; then Law no.10 in 2004, related to family courts; and, finally, Law no.4 of 2005. However, feminist organizations are still struggling to pass legislations to achieve family equality and criminalize domestic violence, through their efforts to combat all forms of violence against women, whether physical, sexual, or

psychological.

On the other hand, deteriorating conditions for women in the workplace are not separate from the reality inside the family and the belief in the subservience of women, in addition to poverty, which forces women to accept unfair work conditions. Thus, women in the workplace suffer from two types of discrimination, one based on gender and the other due to poverty.

One of the most prominent manifestations of the deteriorating economic and social situation is the rise of a phenomenon specific to women called the "feminization of poverty." Due to social and cultural circumstances, women as a social segment are some of the most susceptible to poverty and denial of services, such as education and health.

This paper focuses on two areas of economic and social rights, namely work and education as two examples to gauge the impact of economic and social policies adopted by the previous regime and the effect of social and cultural circumstances on denying women their economic and social rights.

Since the mid 1970s, Egypt witnessed substantial transformations in its economic policies, following the adoption of the "open economy," which entailed partial and gradual measures to liberalize the economy. These procedures began accelerating by the early 1990s in Egypt, now dubbed "economic reform and structural

adjustment.” The term describes the sum of economic liberalization policies implemented by the Egyptian government to fulfill its agreements with the International Monetary Fund (IMF) and the World Bank (WB), specifically starting in 1991, the year of signing the Letter of Intent with the IMF.<sup>1</sup>

The package of structural adjustment and economic liberalization policies covered five main economic areas: reducing public spending, demand management, privatization, trade liberalization, and agricultural liberalization.

The above policies resulted in several distributional effects, such as the redistribution of national income in favor of capital at the expense of labor.

The deflationary nature of trade liberalization policies resulted in severe social consequences, seen in layoffs of governmental workers, increased unemployment rates, and reduced public spending. Workers, small owners, poor farmers, and some layers from the middle class had to face the brunt of this impact.

The expansion of the private and investment (business) sector, led to the retreat of the state from economic activity and the disparity between capital and labor in the distribution of national income. The share of wages from the GDP decreased as follows:<sup>2</sup>

Year	Share of Wages from GDP
1981-1982	40.9
1997-1998	28.2
2005-2006	22.6
2006-2007	29.4
2007-2008	28.4
2008-2009	28.4

These conditions lead to the narrowing down of choices available to those who merely own their labor power. In fact, the working class is the most affected by economic liberalization policies, in addition to the rise of unemployment rates, and there are those who do not have any job opportunities to begin with. Added to that are the serious violations against workers who are forced into unfair working conditions. Needless to say, the burden of unemployment is most severe in countries lacking social protection mechanisms that provide unemployment benefits and where workers unions are weak. In such a situation, the only option remaining for workers is maintaining the job opportunity, rather than improving work the terms and conditions of their employment.

All of those transformations occurred in the absence of strong and effective unions representing workers' interests. The cover protecting and defending workers' rights was, thus, completely absent due to state control over union organizing for more than half a century. Unions became more representative of the interests of the ruling elite than those of the workers. This is one indicator that explains the rise in workers protest movements. However, the bigger problem was that the former union federation was so weak that it failed to create union committees in the private sector. Egyptian and foreign private

1 Houeida Adli (PhD, Political Sciences Professor, National Center for Social and Criminological Research), *Women in the Labor Market (2): Women Workers in the Investment Sector* (Cairo: New Woman Foundation, 2012).

2 Elhami elMirghani, “The Manifestations of Poverty in Egypt,” Maan Conference: Including Economic and Social Rights in Arab Constitutions, Development Support Center, Cairo, 26-27 December 2011.

companies were vehemently opposed to the creation of workers unions, with very few exceptions.<sup>3</sup>

The impact of such economic policies was not limited to the labor market. They incorporated the withdrawal of the state from the production sector, selling its public facilities to the private sector and reducing its expenditures on vital services such as education, health, housing, and the environment. It abandoned the policy of hiring graduates, with negative consequences on development programs and at the expense of many segments, particularly women, children, and elderly.

Despite government rhetoric about taking the social perspective and low-income people into consideration, the provisions of for housing and social facilities in the 2011-2012 state budget is estimated at 16.773 billion Egyptian Pounds (1 EGP =0.15 USD) (4.3% of the total) compared to EGP 7.2 billion (2.1%) in the 2008/2009 budget, with an increase of only 1.3%, when taking population growth and running costs of facilities into account.<sup>4</sup>

The share of education in the 2011/2012 budget reached EGP 51.771 billion (10.6% of the total), compared to 12.7% in 2007/2008, with a decrease of 2.1%, taking into account the increase in the number of students.<sup>5</sup>

On the other hand, the share of health in the 2011/2012 budget reached EGP 23.783 billion (4.8%), dropping from 4.9% in 2007-2008 and 2010/2011.<sup>6</sup>

These figures and statistics indicate that government spending on services

has led to more poverty and increased the burden on Egyptian families as follows:

According to poverty indicators, based on income, spending, and consumption (2010/2011), issued by the Central Agency for Public Mobilization and Statistics (CAPMAS), the ratio of poor (population below the poverty line) in the country as a whole rose between 1999/2000 and 2010/2011, in the following manner:<sup>7</sup>

Year	%
1999/2000	16.7
2004/2005	19.6
2008/2009	21.6
2010/2011	25.2

According to poverty indicators in the data of the Census of Income, Expenditure, and Consumption (2010/2011) published by CAPMAS, the relative distribution of yearly expenses incurred by families on education, in education expenditures lines, are the following:<sup>8</sup>

- 42% of total expenditures by Egyptian families on education go to private tutoring and after-school instruction.
- 38.8% go to academic fees and expenses, followed by 6.9% going towards the procurement of textbooks and stationery and the same percentage for transportation.
- The relative distribution of yearly family expenditure on education based on sector (public or private) is thus: 45.2% towards government schools, 24.2% towards private education, and 6.3% for education in al-Azhar.

3 Houeida Adli, *op. cit.*

4 Official web page of the Egyptian Ministry of Finance, <http://www.mof.gov.eg/Arabic/Pages/Home.aspx>.

5 *Ibid.*

6 *Ibid.*

7 CAPMAS website, <http://www.capmas.gov.eg/>

8 *Ibid.*

The most relevant indicators on income, expenditure, and consumption (2010/2011) related to the average and proportion of expenditures on health care and services are the following:

- EGP 1813.5 is the average cost of health services for each Egyptian family per year, making up 8.1% of total expenses.
- 54.3% of those goes to medical products and equipment; 30.3% goes to outpatient clinics, and 15.4% to hospitalization.

## **2- Legislation and Economic and Social Rights: The Right to Work:**

Due to the economic policy outlined above, the gap between the reality, where wide segments of the population are being deprived from their economic and social rights, and the texts began to expand, especially in relation to the Preamble of the Egyptian Constitution of 1971, which was suspended following the constitutional referendum on 19 March 2011 and the announcement of the Constitutional Declaration, currently in force.

The 1971 constitution included around 60 articles dealing with economic, social, and cultural rights. The Higher Constitutional Court also adopted the gradual application of economic and social rights and the principle of integrity and interconnection of the human rights regime. The constitutional court also reached the conclusion that when regular legislation intervenes to regulate some rights, this intervention should be compatible with the essence of the right itself and does not serve to degrade it.

The Egyptian constitution guaranteed the right to work in five of its articles, considering it to be a “right, duty, and honor.” It committed the state

to empower citizens to exercise this right (Article 13) and stipulated its safeguarding in the state’s economic plan through the provision of job opportunities (Article 23).

The constitution deemed public jobs as the right of all Egyptian citizens (Article 14) and prohibited enforcing work on citizens, “except by virtue of law and for the performance of a public service and in return for a fair remuneration” (Article 13).

The constitution also gave an advantage and priority in job opportunities for “war veterans, those injured in or because of war and wives and children of martyrs killed in action” (Article 15).

The constitutional legislator was also keen to protect the right to work for women and equality with men. It stated clearly that the state is responsible for guaranteeing “the reconciliation of women’s duties towards the family and their work in society.” However, this was put under the condition that it does not violate “the rules of Islamic jurisprudence” (Article 11).

The section below, which focuses on the right to education and work for women, will delineate the size of the gap between legislation and the real situation. It will show how the regime failed to commit to its own legislation, adopting economic and social policies that are biased towards capitalists and the commodification of humans and services. Financial ability became the primary determinant in citizens’ ability to receive quality services, including education.

The following paragraphs will focus on the reality of women who face multiple difficulties due to their cultural and social situation, which created more restrictions and constraints.

The most prominent characteristic of the deteriorating economic and social conditions is the rise of a phenomenon related specifically to women, called the “feminization of poverty.”

This means, women make up one of the social segments most susceptible to poverty and most deprived of services. This is closely interconnected with the social and cultural realities of women in their communities. It is where the patriarchal and misogynist culture dominates, confining women into conventional and traditional roles inside their homes and allows for forms of discrimination and violence, which create a real barrier against the enjoyment of women of many rights.

Poverty is a fertile grounds for such a culture, in addition to the rise of fundamentalist political movements which adopted a misogynist rhetoric, utilizing the issue of women’s participation in the public sphere to pull society into a situation fragmentation and polarization. They also employed various institutions (parliament, the media, mosques) and public facilities such as the “media.”

Women were placed between a rock and a hard place. On one hand, they face a rhetoric hostile to their participation in the public sphere and are attacked for being “sinners” and the purveyors of “seduction and sedition.” The pressure of economic circumstances, on the other hand, is forcing women to enter the job market. An increasing number of households is dependent on women for their livelihood, leading to the a phenomenon of “women-headed households.”

This segment, where the responsibility of caring for children and the elderly falls on women, is considered one of the poorest in society. The concept of “women heads of households” includes

many segments (widows, divorcees, deserted wives, second wives, wives of casual workers or the unemployed, wives of drug addicts, the sick, or disabled, and women who contribute a higher percentage of household income, in addition to unmarried women caring for families).

Estimates of the magnitude of this phenomenon vary significantly. Some official studies indicate that they represent 23% of Egyptian households. Another specifies that it ranges between 16% and 22%. However, it might reach 25% in poorer segments of society, where a large number of those women are illiterate.

Studies and field surveys by several civil society organizations estimate that women headed families in Egypt range between 30% and 40% and could reach no less than 75% inside slums.<sup>9</sup>

Women heads of households in Egypt suffer from several economic, social, health, and legal obstacles. On the economic level, they are the most vulnerable to poverty and difficulty in accessing services and financial support. On the social level, they face the scorn of society for the double jobs they perform. However, society also tends to ignore their role as caregivers, for the most part. In addition, women heads of households often carry a social stigma, such as in the case of divorcees or women deserted by their husbands.

Women are also ignorant of their legal rights and suffer from forms of corporal, sexual, and psychological violence, in addition to the economic and social forms of violence mentioned

9 Samia Qadri, “Priority Care Segments in Egyptian Society: Conditions and Confrontation Measures,” Workshop on *Active Citizenship and Social Entitlements*, Women’s Development Gathering, Egypt, 29/30 May 2006.

above.

### 3- Work

In the period between 2005 and 2010, women's share of the workforce developed as follows:

Year	Size of Workforce (In thousands)	Number of Women (In thousands)	Percentage of Women
2005	22104	5028	22.74
2006	23206	5125	22.08
2007	24250	5739	23.66
2008	24652	5532	22.44
2009	25353	5943	23.44
2010	26180	6040	23.07

Source: Figures (in thousands) are based on CAPMAS figures, sampling the workforce 2010.

The previous table shows that the share of participation of women in the workforce witnessed ups and downs. In 2005, it reached 22.74%, dropping to 22.08% in 2006, then rising to 23.66% in 2007, then dropping to 22.44% in 2008, then rising to 23.44% in 2009, and finally dropping to 23.07% in 2010. The last figure is a drop from the previous years (2007-2009). The total increase between 2005 and 2010 was a mere 0.33%.

### Estimates of Employed Women Between 2005 and 2010

Year	Size of Employed (in thousands)	Number of Women (in thousands)	Percentage of Women
2005	19654	3772	19.19%
2006	20771	3898	18.7%
2007	22115	4682	21.17%
2008	22508	4466	19.84%
2009	22975	4578	19.9%
2010	23829	4676	19.15%

Source: Figures (in thousands) are based on CAPMAS figures, sampling the workforce 2010.

The previous table shows the ups and

downs of the proportion of women employed in the 6 years between 2005 and 2010. The highest percentage was reached in 2007, estimated at 21.17%, but it declined to 19.15% in 2010.

### Estimated Unemployment Rates (2005-2010)

Year	Men	Women
2005	6.99	24.98
2006	6.68	23.94
2007	5.82	18.41
2008	5.64	19.27
2009	5.22	22.97
2010	4.9	22.57

Source: Figures (in thousands) are based on CAPMAS figures, sampling the workforce 2010.

Women's unemployment rates dropped in 2010 to reach 22.57%, compared to 24.98% in 2005. However, a comparison between the years 2007 and 2010 shows an increase. After falling to 18.41% in 2007, it rose by 4.16 percentage points.

The above table also shows a gender gap and wide disparity in the rates of unemployment of women compared to men, where the percentage of unemployed women was three times that of men in the 6-year period under scrutiny.

Data on the forms of economic participation of women indicates a serious gap in majority of professions, including, for example, mining and quarrying, with 450,000 men compared to 20,000 women. In manufacturing, the number of men is 26,556 compared to 2,260 women. In construction it is 26,779 men and 161 women, followed by real estate and rentals, with 157 men and only 2 women.

However, the rates tend to increase

in jobs, such as education, that are considered customary and traditional for women by society. The number of women in educational jobs reached 9,757, compared to 11,166 men. In health and social services, the number of women is 3,456 and 2661 for men. But despite of the relative stability of women in those economic sectors, the last several years saw an increase of workers protests in many professions due to mismanagement and financial

and administrative corruption, reflected clearly on work relationships and environment. This is in addition to the government's preference of temporary contractual relationships, leading to the denial of the contracted workers of their basic rights, including continuity of work, social security, health benefits, in addition to grants and bonuses.

Women were at the forefront of many

### Types of Women's Economic Activities

Economic Activity	Male	Female	Total
Agriculture, tree farming, and fishing	47250	20026	67276
Mining and quarrying	450	20	470
Industry	26556	2260	28816
Electrical, gas, and steam installations, air-conditioning installations	2434	228	2662
Water and sanitary installations and waste-management and treatment	1403	100	1503
Construction	26779	161	26940
Wholesale and retail merchants, motorized vehicle and motorcycle mechanics	23676	3264	26940
Transportation and storage	14399	305	14704
Food and accommodation services	5075	213	5288
Information and communications	1706	406	2112
Financial and insurance agents	1434	493	1927
Real estate and rentals	157	2	159
Specialized scientific and technical activities	3324	642	3980
Administrative and support activities	1561	133	1694
Public administration, defense, and social security	14157	4412	18569
Education	11166	9757	20923
Health and social work	2661	3456	6117
Arts, recreation, and entertainment	865	175	1040
Other types of services	5154	235	5389
Household support	983	421	1404
International and regional organizations and associations, embassies, and consulates	16	10	26
Unclassified activities	327	42	369
Total economic activity	191533	46761	238294

Source: CAPMAS Workforce Survey 2010, estimate of working persons (over 15 years) according to gender.

protests in several of the workplaces where they are concentrated, including the nursing sector. The last 4 years (2008–2012) witnessed several demonstrations by female nurses, one of the most important segments of women workers which the health services sector relies heavily upon. It is one of the most prominent elements of the workforce, through which the government created the balance between expanding health services and reducing real spending on the health sector, ever since the mid 1980s, forcing the burden of this balance on the situation of fixed and variable wages and working conditions.

The protests in this sector focused on the following demands:<sup>10</sup>

- Raising the “infections” and overtime allowance, which is as low as 125 piasters for 12 hours of overtime by nurses in some hospitals.
- Paying incentives, grants, and bonuses.
- Providing state of the art continuous training.
- Filling the severe shortfall in the number of nurses to ensure better health services for patients.

#### Gender Gap in Public Sector Wages:

Economic Activity	Public Sector and Public Business Sector			Private Sector			Total		
	Men	Women	Gender (%) Gap	Men	Women	Gender (%) Gap	Men	Women	Gender (%) Gap
Farming, hunting, forest exploitation, and tree cutting	204	298	-46.1	127	133	-4.7	142	167	-17.6
Fishing	131	127	3.1	134	137	2.2.-	132	128	3
Mining and quarrying	337	332	1.5	650	647	0.5	534	592	-10.9
Manufacturing	299	351	-17.4	162	105	35.2	210	159	24.3
Electricity, gas, and water installation	341	391	-14.7	287	373	-30	334	387	-15.9
Construction	254	290	-14.2	211	251	-19	242	274	-13.2
Wholesale, retail, and motorized vehicle mechanics	259	224	13.5	232	169	27.2	248	204	17.7
Hotels and Restaurants	131	128	2.3	149	169	-13.4	148	168	-13.5
Transportation, storage, and communications	287	399	-39	249	293	-17.7	279	367	-31.5
Financial agents	328	324	1.2	452	514	-13.7	356	368	-3.4
Real estate	191	147	23	228	261	-14.5	225	242	-7.6
Education	0	0	0	104	94	9.6	104	94	9.6
Health and social work	417	100	76	139	95	3.7	170	96	43.5
Social services and other personal services	151	185	-22.5	130	101	22.3	136	118	13.2
<b>Total</b>	<b>300</b>	<b>331</b>	<b>-10.3</b>	<b>182</b>	<b>128</b>	<b>29.7</b>	<b>236</b>	<b>188</b>	<b>20.3</b>

Source: CAPMAS Workforce Survey 2010, estimate of working persons (over 15 years) according to gender.

10 Various authors, *Women Nurses: Between Forced Labor and Degradation*, Egyptian Center for Economic and Social Rights, *Wlad el-Ard* association for human rights, New Woman Foundation, the Association for Health and Environmental, Cairo 2010.

The majority of women in the workforce in Egypt suffer from discrimination in average wages compared to their male counterparts, especially in economic sectors run by the private sector, in the majority of professions and specialties.

Available official statistics for average monetary compensations in all sectors (private, public, public business), indicate that the gap is 20.3% in favor of men, according to the average monetary salary in EGP in the private sector and all the projects of the public and public business sector, based on type of economic activity in the first week of October 2006 (CAPMAS: Employment, Wages, and Work Hours).

### **Legal situation:**

Three laws include articles related to women's rights in the workplace. The first is Law no.47 of 1978, regulating Civil Servants in the Public Sector,<sup>11</sup> and Chapter 5 of the Children's Law no.12 of 2006<sup>12</sup>, and Labor Law no.12 of 2003.<sup>13</sup>

11 Article 70: "A female worker is entitled to a leave without pay to care for her child for a maximum period of two years and for no more than three times throughout the female worker's period of service. Article 71: "A worker is entitled to a leave with full pay not indicated in the previous articles, in the following situations: (2) A female worker is accorded the right to a maternity leave for three months following childbirth for no more than three times throughout the female worker's period of service."

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13 The provisions of the Labor Law dealt with the status of working women in three key areas:

Provisions related to the protection of women against wage discrimination and equated them with men in the provisions governing employment.

Provisions related to the protection of women from night work, dangerous, unhealthy, or

As indicated earlier, the legislative situation uncovers a wide gap between the legal texts and their implementation, indicating how the regime did not adopt clear policies empowering women to work and take into account the reproductive role of women.

The latter role is treated as a private matter, which only concerns the morally harmful jobs.

Provisions related to the protection of motherhood, including:

Maternity leave:

Article 91 gave women the right to a 90-day maternity leave "with a compensation equal to her comprehensive wage, comprising the period before delivery and after parturition." In addition, "a female worker shall not be required to work during the forty five days following childbirth." And "the maternity leave shall not be entitled more than twice throughout the female worker's period of service."

The article stipulated that the female worker should have spent ten months in the service of the employer or more to benefit from this leave.

Article 92 prohibited the discharge of a female worker or termination of her service during the maternity leave.

Child nursing:

Article 93 gave working women the right to nurse their children "during the twenty four months following the date of childbirth and to two other periods for breast-feeding, each of no less than a half hour" and the right "to add the two periods together." The article stipulated that this "shall not result in any wage reduction."

Article 94 stipulated that "a female worker in the establishment where fifty workers or more are employed shall have the right to obtain a leave without pay for a period not exceeding two years, to care for her child. This leave shall not be entitled more than twice throughout her service period."

Article 96 said that "an employer engaging a hundred female workers or more in the same place shall establish a nursery school or assign to a nursery school caring for the female worker's children." Establishments employing less than 100 female workers and located in the same are also obliged to participate in implementing the above obligations.

woman, not as a social function. There is a share of social responsibility which falls on fathers and concerned government institutions to protect women and empower them to play this role.

In the private sector, the government neglected all violations of the law related to the rights of women and failed in its commitment to enforce the law in some of its articles. The three aforementioned laws indicate a disparity in the number of births allowed for women to receive maternity leave. While the public servants and children's law stipulate that it is three times, the unified labor law only allows two instances. The three laws included the condition of having 100 women workers in a facility to establish or contract a daycare center to care for the children of working women. The number of women required opens the door for business owners to circumvent this stipulation by hiring a little less than 100 women. However, many public and private installations are not implementing this article, without any accountability from the concerned regulatory bodies.

For example, Articles 89 and 90 of the unified labor law gave authority to the governing minister to set the conditions, jobs, and occasions where women are prohibited from work. It gave the minister an almost absolute power of discretion for licensing and prohibiting work, thus denying working women the agency and freedom to voluntarily decide on such matters, a situation which varies depending on the situation and needs of individual women.

Article 4b of the law also denied women working purely in agriculture and domestic workers from legal protection, leading to their denial of

all legal entitlements and union rights (detailed below).

In addition to the above, working women face other types of violations at work, as revealed by several studies, which are closely linked to the weak supervision of industrial installations and also the cultural and social status of women. They are the following:<sup>14</sup>

- **Working hours:** Women in the investment sector work up to 12 hours a day (from 8 am to 8 pm), at nominal wages and without overtime pay, in direct violation of the law that set working hours at 8 per day and prohibited women from working after 7 pm.
- The list of working conditions for women are not posted in a manner that makes them obvious for working women.
- **Forms of evading the law by company owners:** The most prominent is non-compliance in providing working women with a copy of the work contract or allowing them to view it, leading to lack of knowledge about its terms and, therefore, working women's rights, which facilitates their exploitation.
- **Forcing women to work during days of rest and public holidays:** Industrial zones in the various directorates came up with an ingenious system to force women to work continuously. It is known as the "diligence fee," whereby

14 For more details, please see, Intisar Badr and Mona Ezzat, "Report on Monitoring Discrimination Against Women in Egyptian Society," Women's Development Gathering, 2008. Also, Intisar Badr, *Women in the Job Market*, New Woman Foundation, 2008. Also, Mona Ezzat, *Exploiting Women's Bodies: Between Male Control and Work Authorities*, New Woman Foundation, 2008.

EGP 100 will be deducted from the salary of any working women who misses work per day, under any circumstances. Investment firms do not recognize the days set by law for leave (regular, incidental, sick leave, child care), in addition to employing young unmarried girls.

- Large numbers of women are employed in factories without work contracts or social security.
- Protection mechanisms for women workers are absent, due to the lack of union committees in the companies of the industrial zones and the other investment companies. This denial extends to workers with temporary contracts in the business sector companies (of the most important achievements of the revolution was creating new opportunities and the growing ability of men and women workers to organize themselves into independent unions stemming from the labor movement itself and established inside the workplace).
- Working women are exposed to several forms of verbal and physical violence inside factories, such as sexual harassment and abuse, carried out by supervisors, department heads, and even the employers themselves. They take advantage of the silence of women, who worry about society's censure for going out to work and fear losing their jobs if they present complaints about harassment by their patrons, especially as they work in an unfair situation that facilitates the termination of their employment.
- Working women are **exposed to community violence**, especially those coming from other provinces

and forced to live in industrial areas instead of having to make a long commute. They are always followed by watchful eyes, their behavior permanently in doubt, are forced into isolation by the surrounding community.

- Working women are often unable to care for their households, materially or morally, threatening families with collapse, especially those headed by divorcees and widows.

### **Participation of Women in the Informal Sector:**

In the following tables, we find that informal women's labor in rural areas takes a much higher share (71.6%), compared to urban areas (13%). It should be noted that the proportion of women working without pay reaches 69.7%, although they contribute in a variety of ways in family operations, manufacture, and household activities.

The data also indicate that women in rural areas have a higher chance of working in unpaid family-run operations, where 71.1% of women workers in the informal sector in the countryside are employed in unpaid family businesses versus 58.6% of city women. While the proportion of women in paid employment in urban areas is 8.7% versus 3.2% in rural areas.

**Distribution of Employees (15-64 years) by Sector (formal/informal), Gender, and Residence (1995, 2008) (in thousands)**

Type	(Distribution of Actual Workers (15-64)			
	2008			
	Formal		Informal	
Urban				
	Number	%	Number	%
Men	5271	69.8	2277	30.2
Women	1573	87	235	13
Total	6844	73.2	2512	26.8
Rural				
Men	4079	38.9	6415	61.1
Women	755	28.4	1903	71.6
Total	4834	36.8	8318	63.2
Total				
Men	9350	51.8	8692	48.2
Women	2328	52.1	2138	47.9
Total	11678	51.9	10830	48.1

Practical Status	Proportional Distribution of Actual Workers (15-64)					
	Urban		Rural		Total	
	Men	Women	Men	Women	Men	Women
Works for Monetary Compensation	47	8.7	38	3.2	40.4	3.8
Owner of Business and Employer of Other Workers	12.9	5.3	30.5	6.8	25.9	6.6
Self-Employed and Does not Employ other Workers	33.8	27.4	11.6	19	17.4	19.9
Works for Family, Unpaid	6.2	58.6	19.9	71.1	16.3	69.7
Total	100	100	100	100	100	100

Source: CAPMAS Workforce Survey for the years 1995 and 2008

The main share of women's labor goes to the informal sector in rural areas, in the following activities:

In the countryside:

- Work without pay in the fields owned by the family.
- Food manufacturing (cheese, dairy, milk products), farming, and animal care.
- Casual agricultural labor.

In the cities:

- Crafts workshops that are small (less than 5 workers), medium sized (5-10 workers), or, to a lesser extent, large workshops.
- Work carried out by women inside the household, especially preparing vegetables, embroidery, and simple handicrafts.
- Selling in the markets.
- Domestic service.

The following can be summarized from several studies and field activities conducted by civil associations with domestic workers in various areas, showing the magnitude of violence faced by domestic workers, whether at work, in the family, or in the surrounding environment:<sup>15</sup>

- Highly arbitrary work relations, terms, and conditions related to the quantity of work and task functions, wages, working hours, and more.
- Exposure to verbal and moral

<sup>15</sup> For more details, Nadia Halim, *et. al.*, *Female Domestic Workers in Egypt: Characteristics, Problems, and Protection Mechanisms*, Al-Shehab Institution for Comprehensive Development - Egyptian Center for Economic and Social Rights (ECESR), 2010. Also, New Woman Foundation's website [www.nworcegypt.org](http://www.nworcegypt.org). Also, Yasmine Ahmed and Ray Jureidini, *An Exploratory Study on Child Domestic Workers in Egypt*, The Center for Migration and Refugee Studies, American University of Cairo, Cairo, June 2010.

abuse and vulnerability to physical and sexual violence.

- Exposure to different health hazards caused by method and quantity of work (such as spinal injuries, fractures, burns, etc.).
- Exposure to social violence and censure in general, through the suspicion and mistrust of their behavior, simply because they are women who leave their homes to work in other homes.

There is no doubt that informal labor is exposed to varying forms of violations because of the characteristics and attributes of jobs in that sector, summarized in the following:

- Low levels of educational attainment.
- Lack of any form of vocational training.
- Very low wages for long working days.
- Lack of right to paid holidays.
- Threat to their work opportunities, due to the high supply of labor as a result of growing unemployment.
- The absence of the umbrella of social and health security and contractual relationships.

#### **4- Education:**

Along with the direction taken by the state in recent years towards the free market economy, including services and education, the phenomenon of social inequality in education became more complicated than ever before. It encompasses all channels of the educational system and its particulars. In the past years, education in Egypt witnessed a flagrant deficit in attaining equal opportunity for all citizens.

The financial ability of the different social groups became the decisive factor in selecting a particular institution or another. The quality of educational services provided within the school became directly linked to their financial value. Accordingly, the higher the economic potential of a particular social group, the better the quality of education.

Two particular images of social inequality in education stand out in this regard. The first is inequality inside governmental/public educational institutions. The second is the discrepancy and lack of social justice in educational opportunities between public institutions and the private, foreign, or venture education sector.

Inside the government/public education sector and despite attempts to expand education to include rural and isolated areas, along with the cities, the distribution of educational institutions is still biased in favor of cities at the expense of the countryside, in favor of the rich at the expense of the poorest and most needy, and in favor of males at the expense of females. Groups whose social and economic levels were advanced and urban governorates were awarded with better educational levels than available for male and female students in the countryside or for groups from lower socioeconomic strata.

The second image of social inequality in education is illustrated in the developments witnessed by the Egyptian educational system during the last two decades and the impact of these developments on the issue of social justice in education at the national level. It can be linked to the economic shifts of the 1980s and 1990s and the trend towards a market economy, trade liberalization, and

privatization spreading to services. Accordingly, the state adopted new policies aimed at linking the wheel of production with that of the free economy. The state had to redraw its education policy based on this trend, transferring part of the burden of educational costs to students and their families and allowing for private education to expand and diversify (foreign language schools, investment and private business schools, cooperative and experimental schools, and schools providing international certificates).<sup>16</sup>

The share of public expenditure on education in the draft state budget for the fiscal year 2010-2011 is around EGP 46.8 billion, which is around 3.4% of the projected GDP for the same fiscal year. In comparison, the amount was EGP 41.7 billion for the fiscal year 2009-2010, equivalent to 3.5% of GDP in the same year. In 2008-2009, it was EGP 39.9 billion, around 3.8% of the GDP in that year. This makes Egypt one of the lowest countries in the world in public spending in this area. It also clearly indicates the retreat of the state from its role in supporting this service. At the same time, the field was left vacant to be filled by high-end and high-cost education, causing a flagrant disparity in the distribution of educational services and the marginalization of large segments of the poor from science and knowledge. This occurs either in the form of lack of justice educational within public education or in the form of dividing citizens into different levels of schools and universities with varying

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16 Kamal Naguib, Dr., College of Education - Alexandria University, "The Right to Education for Egyptian Citizens under Neoliberalism," Workshop on *Active Citizenship and Social Benefits*, Women's Development Gathering, 29-30 May 2006.

objectives, cultural levels, capabilities, and equipment.<sup>17</sup>

The Survey of Children and Youth in Egypt (2009)<sup>18</sup> indicates that 11% of persons between 18 and 29 years old never attended schools. Of those, 81% were women, which means that 16% of females between 18 and 29 did not attend schools at all.

These figures are consistent with the census data, which indicate that 10% of those between the ages of six and eighteen did not attend school at all. The reality is that most of those who are not in school are girls in rural areas. According to the 2009 survey on young people, rural girls make up 80.4% of those who did not attend school at all, along with girls from the poorest families who also did not go to school at all.

The number of girls between 6 and 18 years-old who were never enrolled in education amounted to 591,000, or around 7% of girls in that age group ("School Dropouts According to Gender and Governorate" from 6 up to 18 years, according to the final results of the General Census for Population, Housing, and Establishments 2006).

It should be noted that the rates are highest in Upper Egypt's governorates, except Aswan and Luxor, in the border provinces of Matrouh and Sinai, and Beheira and Ash Sharqiyah governorates. Accordingly, it is no surprise that Egypt is ranked fifteenth among Arab countries, in relation to the average education girls aged 15 years and older, according to World

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17 Ahmed Al-Sayed El-Nagar, *The Economic and Social Cost of Discrimination Against Women in Education and the Labor Market*, Al-Ahram Center for Political and Strategic Studies (ACPSS), Cairo, 2011.

18 Egypt National Human Development Report 2010, Institute of National Planning, Cairo, 2010.

Bank indicators.<sup>19</sup>

The socio-economic situation and family situation are the two main elements to predict the accomplishment of education in Egypt. Children of families that fall into the middle and upper classes are more likely to do better in certification exams and enroll in higher education. Those who come from poor families make up a mere 5.3% of outstanding students in primary education, 3% in the intermediate stage, and only 5% in general secondary education, which means that the presence of students belonging to poor families reaches its highest level in primary education. The situation of families under the strain of poverty and suffering from poor educational facilities puts the burden on the students despite their progress in the educational system and leads to low levels of achievement.<sup>20</sup>

Place of residence, urban or rural, is another element for predicting academic achievement, as outstanding students come from urban areas, for the most part. The impact of residing in rural areas increases as students progress through learning stages, leading to the weakest presence of rural students among the top students in the matriculation exams and their highest presence in primary education. In fact, rural areas contain the highest proportion of those who have never attended schools, reaching 80%, but the situation for school dropout varies slightly.

Most school dropout occur in rural areas (65%), much like non-enrollment. However, the gender dimension is less pronounced among school dropouts, where the female ratio is only 52% dropping out. The

high proportion of females can be attributed to the cultural reality facing women. Several reports indicate that households in rural and remote areas prefer to educate boys and consider that a girl's fate is ultimately marriage.<sup>21</sup>

In terms of the socio-economic situation, we find that school dropout rates are almost equally distribution, as opposed to those who never attended school. Accordingly, dropouts in the lowest wealth brackets is 55% of the cases.<sup>22</sup>

In terms of the type of school, achievement increases by orders of magnitude for students in private schools or public pilot schools.<sup>23</sup> We find that more than 50% of pilot public school students have outstanding achievements, compared to 9% from the regular public schools. On the other hand, 35% of private school students have outstanding achievements. It should be noted that the type of school indicates of the socio-economic situation, since private schools and government experimental schools charge a high tuition compared to regular public schools.

The presence of students from poor families diminishes as students go up the educational levels, since success at one stage is usually a strong indicator for success at the later stages. Consequently, only 4.3% only of students in higher education come from low-income brackets, while most university students come from the richest two brackets, 27.1% from the fourth income bracket and 46.5% from the fifth.

21 For more details, Badr and Ezzat, *op. cit.*

22 Human Development Report, *op. cit.*

23 Pilot schools are run by the Ministry of Education, but with much higher budgets than free schools. The teaching language is English and the average number students in class is low.

19 El-Nagar, *op. cit.*

20 Human Development Report 2010, *op. cit.*

The poor are much more represented in two-year academies, making up 11% of the student community, with higher representation of rural students. Among those who have completed their university education, we find that 52% come from the most affluent category and are mainly from urban areas, which explains the strong correlation between outstanding school achievement and the socio-economic background of students.

In terms of the distribution between urban and rural areas, we find that urban students make up more than 63% of young people who have completed their university education and 50% of those who have completed their education in two year academies.

University and Higher Education Graduates (Public and Private)	Males (%)	Females (%)
Engineering Sciences	73.3	26.6
Health Sciences	41.8	58.2
Agricultural Sciences	65.4	34.6
Basic Sciences	46.7	53.3
Humanities	46.8	53.2

The above table<sup>24</sup> reveals the widening gender gap between male and female graduates, with a noticeably higher proportion of male graduates in engineering, health, and agricultural sciences, noting that health sciences includes the nursing field, where women are highly concentrated, reaching 90.8%.

However, the proportion of female graduates tends to grow in the basic sciences and humanities, including the colleges of education, literature and linguistics, social service, and home economics, which are the same areas of work where women are concentrated, as

<sup>24</sup> Annual Bulletin of Students in Universities and Institutes of Higher Education (Public-Private), CAPMAS, CAIRO, 2009.

pointed out above (CAPMAS Worker Survey above 15 years-old, 2010). It is a reflection of the traditional roles and stereotypes set by society for women.

The above is a clear indication that economic policies and the cultural and social reality of women engendered a negative impact on women's education opportunities. Data and statistics referred to above show that poor women in rural areas have been deprived of access to education more than other women. This resulted in their deprivation of other rights, including the right to fair and decent work, for there is a close link between the level of education, on one hand, and job opportunities and quality, on the other.

The shortfall in women's education leads to a significant increase in the rate of unemployment among women compared with men. The labor market in the manufacturing and services sectors (with the exception of domestic services and sanitation) is gradually moving toward educated workers, due to the adoption of modern technologies in the job market and in light of the global scientific and technical progress being transferred to Egypt and other Arab countries.

Egyptian government data indicates that the number of unemployed women reached 1.066 million, around 49.7% of the total number of unemployed people, compared to about 1.079 million unemployed men, or 50.3% unemployed individuals in 2008. Additionally, the proportion of women in the total labor force (comprising the employed and unemployed) amounted to about 22% of the labor force in the same year. Therefore, gender and educational equality should have produced a share of unemployment equivalent to their share of the labor

force (22.5%) or about 472,000 unemployed women.

Nevertheless, since the number of unemployed women reached about 1.066 million, this meant that the educational and gender gap caused the unemployment of an additional 594,000 unemployed women. This size of unemployed women is detrimental to the average annual wage in the Egyptian economy, which is around EGP 12540 per year. The cost of this additional unemployment of about EGP 7,449 million a year is a loss of possible income for women.<sup>25</sup>

### **The Role of Civil Society in Defending Economic and Social Rights:**

The January 25 revolution and its demands of “freedom, dignity, and social justice” confirmed and revealed the depth of the crisis and the state of tension afflicting Egyptians, specifically the poor and lower segments of the middle class, for the past thirty years. The crisis became clear in the rise social protests by the end of 2006 in several sectors and various provinces. The issues of wages and rising living costs were the driving force behind protests by workers. Temporary work conditions also became the engine for the protest movement, as more than 500,000 people were working under temporary contracts in the government and more than 50,000 thousand in the business sector, in addition to the presence of workers without employment contracts in the private sector companies. This was an indication of a clear flaw in labor relations, with a clear bias by state institutions towards business owners at the expense of workers’ rights.

These protests continued after 25 January 2011. It continued to fuel the

<sup>25</sup> El-Nagar, *op. cit.*

Egyptian revolution, pushing it to keep up demands for social justice. The protest movements raised the slogans of pay raises, cleansing institutions of the symbols of corruption, and changing policies regarding the provision of services adopted by the former regime, including health and education services. This was evident, for example, in the strike by doctors and teachers.

The movement is characterized by the presence of young leaders in many positions, as well as the rise in women’s participation in the protests, such as in Mahalla, Kafr El Dawar, the “Egyptian Spanish” and “Hanawi” factories, and the nursing sector. The role of women in the protests was diverse, from participating in the chants, carrying slogans, performing organizational roles, to leadership roles, especially in workplaces that have a concentration of women workers.

The revolution cleared the way for a mass movement in the public domain and the ability to organize, including the establishment of unions.

Several human rights and feminist organizations joined the workers, men and women, in their demands and adopted a number of strategies, in support and solidarity with the protests. These included the empowerment of workers, building their organizational capacity and negotiation skills, raising their legal awareness, and providing judicial support, mobilization strategies, and methods to win the support of the different sectors of the community for their demands.

Women’s and human rights organizations used international mechanisms to pressure the government to carry out political reforms, economic and social, such as in the shadow reports submitted to the

CEDAW Committee and the report submitted to the Human Rights Council under the Universal Periodic Review.<sup>26</sup>

These organizations also provided a critical view of the economic and social policies and unfair laws adopted by the former regime, submitting several proposals to improve the policies and legislations.<sup>27</sup>

The small number of feminist organizations or those concerned with women's issues are striving to raise women's issues in the workers and union movement and decision-making circles, to integrate them into the public demands adopted by the workers. The most prominent of these demands are the following:<sup>28</sup>

- Taking the necessary measures to ensure equal opportunities for women and men in different areas of work, in pay, promotion, and training.
- Activating articles in the labor laws on reproductive rights for women, to ensure that women have access to maternity leave, childcare, and the provision of nurseries.
- Amending the Labor Law to allow the extension of legal protection to women workers in the

informal sector (domestic worker, agriculture, and other).

- Adoption of policies by the state, enabling women to reach public office (governors, ministers, ambassadors...).
- Adopting legislation prohibiting the denial of women of positions in all areas of work and in all institutions, including the judiciary and private enterprises, and requiring all workplaces to create a work environment suitable to both men and women.
- Taking the necessary measures and actions to eliminate sexual harassment in the workplace.
- Highlighting the economic contribution of women to the GNP.

Although the January 25 revolution raised the slogans of social justice, dignity, and freedom, those demands cannot be achieved without the inclusion of women's issues and the struggle for gender equality.

Over the years, women's organizations accumulated several partial gains in the economic, social, and cultural fields, as well as the political and civil field.<sup>29</sup>

Feminist organizations have also stepped up efforts and mutual coordination, following the January 25 revolution, in the aim of stressing women's issues in the transitional phase. Perhaps the most important initiative was to form the Coalition of Women's NGOs in Egypt in March 2011, comprising 16 women's human

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26 In 2010, the New Woman Foundation presented a report on the situation of working women as part of the package of reports by organizations member in the Human Rights Gathering, in addition to a joint report by 16 rights-based NGOs.

27 For example, ECESR succeeded in winning important legal decisions regarding minimum wage and in blocking the sale of several companies and factories that faced privatization.

28 The New Woman Foundation is organizing a wide-reaching campaign to collect signatures of public figures, worker leaders, and CSOs to adopt those demands and present them to the stakeholders.

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29 Some of the achievements of women's organizations had been the issuing of Law no.1 of 2000, known as the Khula law (allowing women to initiate divorce), then Law no.10 of 2004, related to family courts, in addition to the right of women to pass citizenship to their children from a foreign husband.

rights organization. This is in addition to extending bridges for alliance with the rest of the political movement. This resulted in a quantum leap in the interest of parties and political and social movements (liberal - left) about the demands of women. Leftist and liberal parties adopted demands for a women's quota in the Constituent Assembly and the integration of women's demands in the constitution. They participated in the International Women's Day mobilization on 8 March 2011 and 2012.

The trade union movement is strongly present in the revolution. On 30 January 2011, a statement issued by a number of independent trade unions announce the formation of a Egyptian Federation of Independent Trade Unions (EFITU). The union movement continues to grow and is moving toward institutionalization, despite the painful blows they faced, whether through the lack of a law allowing union freedoms, through the persecution and abuse suffered by workers who join trade unions leading to dismissal, or the recent law criminalizing strikes and sit-ins.

In January 2012, EFITU held its first general assembly and elected its first board of directors.<sup>30</sup> However, despite the significant presence of women representatives in many unions where they are concentrated (teaching, nursing, property tax collection) and the creation of a women's committees, the union still lacks a specific strategy

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30 The number of participants in the general assembly was 264 members, 189 voted in the elections, with 19 annulled votes. The number of candidates to the board of director reached 94, out of whom 18 were women, and for the financial supervisory committee, there were 13 candidates, including 1 woman. The elections resulted in three women winning seats on the board of directors.

to deal with the issues of women in the workplace and activating the role female workers in the union.<sup>31</sup>

Another initiative, called the Egyptian Democratic Labor Conference, comprised of 246 independent unions and 24 union under formation, in various workplaces and sectors. This initiative is supported by a number of human rights organizations,<sup>32</sup> including a women's organization seeking to empower female union members to hold leadership positions and gain the support of men and women workers to the demands of women at work.

The stance of the economic-social-political regime concerning economic and social issues, including education, work, and others, is a critical factor in shaping the features of the reality of drawing development strategies and operational plans. Successive governments since January 2011 have followed the same old policies and are yet to propose any alternative economic project. They often met demands for social justice with great violence and utmost neglect.

The positions of parties with a religious authority, such as the Freedom and Justice Party, the political arm of the Muslim Brotherhood, or the Salafi al-Nour and al-Asala parties, pose a brand new challenge. They took a negative position towards demonstrations and sit-ins on social issues, which erupted after the January 25 revolution. They failed to support the demands of workers for issuing a law guaranteeing

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31 Report on "Women in the First Elections of EFITU," New Woman Foundation, Cairo, May 2011.

32 The three organizations are: Center for Trade Union and Workers Services (CTUWS), Egyptian Association for Community Participation, and the New Woman Foundation.

union freedoms. They remained silent when the Supreme Council for the Armed Forces (SCAF) issued a military law criminalizing strikes. Their political programs did not provide a comprehensive view on economic and social issues, speaking in general and loose terms, all based on the policies of neoliberalism, previously pursued by deposed National Democratic Party.

This is added to the religious parties' looking down on women, assigning them the customary and traditional role inside the household. This was expressed in many forms, including public statements and speeches hostile to women. This perception of the inferiority of women was most evident during parliamentary elections, in the way they exploited women's votes, specifically slum dwellers, residents of poor neighborhoods and villages, and those with a high illiteracy rate to vote for them. How can we expect from those parties to implement reforms and changes in economic and social policies or to achieve equity and equality with men, in order to allow

women fair opportunities in education and employment?

In contrast, the ability of different groups to organize themselves is growing, accommodating for a larger space for women to participate in the public sphere. Liberal and leftist parties are paying close attention to women's issues in their programs and their representation within the organizational structure of these parties. Many activists and members of feminist organization began to join liberal and leftist parties.

Civil society and the political, social, and labor union forces are currently facing a serious challenge to complete the transitional phase, which would allow Egyptians to achieve the demands of the revolution and democratic transformation. There is no doubt that the revolution's success in achieving its objectives will contribute to the empowerment of the women's movement to achieve tasks on the level of economic, social, and cultural rights, as well as political and civil rights.

# Socioeconomic Policies and the Rights of Women in Tunisia

**Mongia Hadfi**

Human Rights Researcher and Activist - Tunisia

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## 1- Preamble

Global capital, through history, evolved to become concentrated in the hands of a few who drive the global economy through the employment of the International Monetary Fund (IMF), the World Bank (WB), and the World Trade Organization (WTO). This group controls the political and social concerns of developing countries. Consequently, global capitalism became a real threat to labor legislations, acquired rights, and public freedoms, such as the right to organize, freedom of expression, establishment of unions, and the right to hold strikes. The global financial crisis of 2008 had serious repercussions on the labor market, leading worldwide unemployment to reach a high record of 210 million people.

The rise of global capital led to the creation of fragile economies, unable to create solid labor market or solve unemployment, especially for women, who are considered the first victims of this process and who are not absorbed into the labor market, which is based on gender divisions, due to cultural remnants, the hegemony of male ideology and the strong interconnection and interrelation of the patriarchal system with the capitalist system. Inequality

on the global level is significant when considering inequality in distribution, while projections of inequality rates in general income are contradictory and a cause of great controversy. Moreover, the progress made in the number of women in paid work had slowed due to the economic crisis in 2008 and 2009, especially in the industrial sectors.

As a result of these global and local variables, specifically in the absence of legal protection that would ensure full and concrete equality between genders, equal opportunities in education, work, and the other rights, the situation of women became more fragile. Hence, it is not arbitrary to speak of the “feminization of poverty” in the past 10 years. This discriminatory situation obliges women to accept jobs with fragile conditions that lack legal and social security. The phenomenon of feminizing poverty is furthered by the deepening discrepancies between different groups of citizens, the rising legal discrimination between both genders, related to rights, and excluding women from economic, social, and political rights, specifically in decision making positions or debates on approaches to development, leading to what can be described as partial citizenship for women.

The advancement of women’s rights as an indivisible part of the general human rights regime, has been affected by the progress achieved concerning those rights. The issue of the recognition, and consequently

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**In the absence of legal protection that would ensure full and concrete equality between genders, equal opportunities in education, work, and the other rights, the situation of women became more fragile**

activation and protection of economic and social rights, represents a concern for citizens in Tunisia, similar to that related to political and civil rights. This recognition of economic and social rights as human rights represented a paradigm shift in the way they are addressed. This was due to the previously insufficient attention they were given compared to political and civil rights. The perception is changing and they are now considered within the framework of rights, confirming the universality and indivisibility of human rights, in any situation. They are no longer seen as mere needs and are categorized by states as second generation rights.

This study aims to analyze the effect of economic and social policies on the condition of women, after presenting the general context of these policies, their historical development, and the important milestones in Tunisian economy since the 1970s, in addition to the different social crisis it witnessed. Also, an overview will be provided concerning the different forms of social resistance and struggles led by Tunisian unions, human rights organizations, and political parties. Finally, it will show how the accumulation of all these struggles led to the revolution for freedom and dignity of 14 January 2011.

For this purpose, the study will tackle developments regarding economic and social rights and their impact on women's rights, from the period of gains, on to the period of threats. This will enable the consolidation of perspectives, changes, and the strength of suggestions in this transitional phase. The paper will focus on the right to work as a basic human right, considering it a priority for women to reach self-actualization and independence, in addition to being a

tool for effective participation in the process of equitable development. This is addition to the importance of the issue of labor within the Tunisian economic and social crisis and it being a key slogan in the social protest movement.

## **2- Legislative Measures Supporting Women's Rights Since 1956:**

The Tunisian constitution of 1959 provided for the equality of all citizens before the law. This supported legislations passed since 1956, with the issuing of the personal status code and the 1957 decisions recognizing political rights for women, such as the right to vote and run for elections. This led to gradual recognition of the remaining rights for women in all sectors, mainly, the right to work, free education, and social protection.

In the same context, political authorities devoted attention to population policies with measures that had positive effects on women's rights.

### **Population Policies, Demographic Shifts, and their Impacts on Social Rights for Women**

During this period, the question of welfare was one of the core issues raised concerning comprehensive development. The human factor was given great importance, whence public authorities worked on the issue of gradually controlling demographic growth; which necessitated the adoption of a population policy characterized by government intervention in various social issues, such as health, education, family planning, and women's work.

These policies passed through three major phases:

### Phase I: 1956-1966

This phase began with the initiation of legislations supporting women's rights. The issuance of the personal status code in 1956 was an important and essential step to combat existing beliefs systems, playing a significant role in regulating marriage and divorce, ending the practice of polygamy, and endorsing civil marriage. It also dealt with issues relating to the consent of both partners to enter into a marriage contract, the freedom to choose a partner, setting the age of marriage, regulating court divorce, and allowing the wife to manage her own finances.

Abortion was accorded as a right in Tunisian legislation beginning in 1965, for women who are mothers to five live children and as long as pregnancy was still in the first trimester. In the same context, the government foresaw the need to regulate the sale of birth control (1961) and established family planning programs (1964-1966).

The right to education, as a basic right, was considered essential in access to knowledge and the ability to act in the social and political spheres. The 1958 Law of Education became a historical step to ensure access to education for all sectors of society, both male and female and in urban and rural settings.

### Phase II: 1966-1976

This stage is characterized by the establishment of the National Bureau for Family and Population, in addition to continuing family planning programs and regulating abortion in the penal code, which gave women the right to decide how many children they want under specific conditions. Authorities pursued mainstreaming and ensuring free education and access to basic health care.

### Phase III: Early 1980s – early 1990s

The focus during this period was on regional and environmental development, in addition to programs for regional integration. Population policies aimed to improve living standards, with a focus on marginalized rural groups. These policies contributed to decreasing birth rates (from 4.5% in 1966 to 2.4% in 1993) and mortality (rates from 1.5% to 0.6% during the same period). Population growth levels shifted from 3% in the early 1960s to 1.8% in 1990.

All these demographic indicators show the level of improvement in some sectors and its impact on development levels. Knowing that a decrease in birth rates plays a significant role in social and economic variables and changing belief systems, in addition to participation of women in the labor market.

- **Changes in family structure:**

On the other hand, housing policies has had an impact on the demographic behavior of the population, since owning a house is the result of a process of savings or loans by a couple. Social development introduced a trend towards independence amongst couples, moving out from extended family household to independent family household that favors a nuclear family set-up and breaks from the traditional make-up of the family. The trend towards the nuclear family and independence for couples created new challenges in the issue of savings and managing expenditures. Child raising was no longer the responsibility of the extended family. This challenge, in addition to independent housing, contributed to reducing birth rates.

- **General political, economic, and social framework of women's rights in light of the economic openness policy since the late 1990s**

General economic and social policies in Tunisia would be meaningless if not contextualized in the general framework of development. Or, more accurately, in parallel with adopted development models in each of the phases delineated above. During the period of the late 1960s and early 1970s, with the opening up to global economy, Tunisia recorded a the primary shift in economic and social change. Tunisian economy during that period passed through a number of significant changes in its basic structure, in tandem with the profound changes in the global economy and the emergence of the new world order, assumed to be the end of history and of human oppression with the fulfillment of free market capitalism in western liberal democracies, according to Francis Fukuyama. Changes occurring in the global economy and the rapid pace of movement of capital and its migration to developing countries created significant economic transformations on the national level. This was due to the comparative advantage of cheap labor and legal incentives for direct external investments, specifically in factory-based industries that ensure wider opportunities, like the public sector, which is a safeguard for the production process in the industrial, agricultural, and services sectors.

#### **A. Structural Adjustment: A Step towards the Degradation of Economic and Social Rights**

Since the mid-1980s, the Tunisian economy has been passing through a severe recession, transforming into

a financial and economic crisis that led to the decline in growth and the deterioration of the trade and expenditure balances. External debt and the servicing of this debt rose, accompanied in a deficit in the budgets of some countries, so governments began taking loans to cover the deficit. The crisis had a severe impact on the Tunisian economy and the country went into a stifling economic and social crisis, whose first outcome was the bread uprising of 1984. To solve the crisis the Tunisian government chose to ask for long-term loans in 1986. One of the conditions imposed by the World Bank and the IMF was to undergo serious economic reforms to be able to enjoy the loans. This was used as a pretext to pass structural adjustment programs (SAPs) dictated by the IMF. The adjustments aimed at freeing the national economy, introducing reforms in the taxation sector and the financial market, privatization of public institutions in the industrial sector, and liberalization of investments. From 1987 to 1994, the transfer included tourism, trade, marine fishing, and food industries. In a period of less than 10 years, the Tunisian economy was prepared for more openness to the liberal global economy and engagement in the General Agreement on Trade and Tariffs (GATT). Then in 1995, Tunisia signed a multilateral agreement with the WTO and saw the establishment of the Euro-Mediterranean free trade zone. As a result, the role of the government in the economy shifted from actor to gatekeeper and its social role shrank.

#### **B. Conditions of Women between Privatization Policies and Market Liberalization**

Despite the developments in the right

**Table 1: Illiteracy Rates (10 years-old and above) According to Gender and Location (2004-2008) %**

	Urban					Rural				
Year	2004	2005	2006	2007	2008	2004	2005	2006	2007	2008
Male	9.8	9.7	9.4	8.5	8.3	24.3	22.4	20.7	20.8	20.7
Female	22.2	21.9	20.9	20.7	20.1	46.4	44.4	43.2	41.1	42.8
Total	16.2	15.7	15.1	14.5	14.1	35.6	33.4	32.3	32.4	32.2

Source: National Institute of Statistics

to education, making it compulsory since 1991, illiteracy rates did not change significantly, dropping from 78.2% in 1966 to 36.1% in 1999 and 30% in 2004. This is delineated in the table below.

The high level of illiteracy played a significant role in the lack of awareness and understanding of rights, specifically in a patriarchal society, an upbringing founded on inequality, and the hegemony of a traditional cultural establishment based on the division of roles based on gender. The high level of illiteracy in the interior of the country was due to the fact that schools are very far from villages, especially in rural areas with harsh natural environments, in addition to poor families requiring assistance in farming and household chores, which pulls girls away from school.

### **C. Women in the Labor Market: The Development of the Right to Work**

The labor market can be considered the compass pointing to the success or failure of an economic policy of any country, as well as the direction in which economic and social policies are headed. The second half of the twentieth century is marked by the emergence of new forms of work that are characterized by instability and fragility.

For years, fragility has been considered a distinctive feature of the Tunisian

labor market, where it is manifested in forms of social exclusion, such as unemployment and absence of humane work conditions. Precarious work lacks the feature of continuity, due to its short, and often unspecified, duration. While workers are ultimately concerned with finding suitable work with regular pay, in addition to appropriate working conditions, fair salaries, social security, paid annual leaves, health insurance, and pensions, the emergence of new forms of work, such as part-time, temporary, and remote work, new legal frameworks appeared, namely short-term contracts.

Work in handling companies, for example, is characterized by the lack of work contracts, especially for cleaning workers. Many are threatened with dismissal, while their destitute social situation, poverty, and lack of job opportunities is an important reason for working in this sector, where they are denied the most basic social rights, such as the right to organize, create unions, or enjoy union protection.

The last two decades were characterized by work insecurity as the main feature of the economy. Due to privatization and transfer of public facilities, the labor market went through significant changes that hit at the core of the working class. Work conditions started to deteriorate, especially for the low-income bracket, where the economic policy adopted work flexibility in addition to putting pressure on salaries. "This was reflected in the

**Fragility has been considered a distinctive feature of the Tunisian labor market, where it is manifested in forms of social exclusion, such as unemployment and absence of humane work conditions**

**The struggle for the right to work for women is at the core of the economic, social, and political battle in the country at the moment**

latest social negotiations of 2008, where an agreement was reached to raise salaries in the public sector by 4.7% annually for the coming 3 years. Yet this increase was less than the average inflation of 5%, warning of a deterioration in the purchasing power of the lower income strata.”

Despite the fact that the level and quality of women’s education is high, yet the labor market is preferential towards waged labor. The ratio of women in the labor market increased from 6.1% in 1966 to 25.3% in 2002 – 55.3% of female workers are domestic workers, 23.9% are employees, 17.3% are self-employed, and 8.4% are company heads. Additionally, job requests for women increased at a higher rate than those of men. According to 2008 statistics, for each 130 work openings for men there were 100 for women, while the waiting period for women is considered significantly longer than that of men. The 2010 national census on labor shows that additional work applications for women reached 00157 of a total of 75400, which is approximately 21% of job applications. In 2009, according to the same census, the proportion for women was 59,455 out of 105,377, compared to 45,922 for men. Also an approximation of women who are active during the second trimester of 2011 reached 0010267 of all persons active in the work market, which is approximately 3,844,600. This is linked to the development of the percentage of women’s activity, relatively sustained during the last 5

years, illustrated in the table below:

According to a statement by the Director General of the National Youth Observatory in Al-Sahafa newspaper on February 2011, the percentage of unemployment among youth, between the ages of 18-29 reached 30% in 2009 and 45% for persons who have graduated from higher education, while the official numbers at the time and 22.5% for university graduates. Unemployment levels remained on the rise during 2011, to reach 43.8% for females and 23.7% for males. This was exacerbated with return of Tunisian workers from Libya due to the onset of the revolution there, to reach 700,000 unemployed persons 281,110 of whom are women that is 27.4% for women compared to 15% for men a total addition of 18.3% to the total unemployed for 2011. Added to that were those who became unemployed after the revolution due to the closure of some facilities and the destruction of others. This affected significantly more women (73,900), compared to men (63,700).

The struggle for the right to work for women is at the core of the economic, social, and political battle in the country at the moment. In this context, we should be careful of reactionary voices calling to resolve the current economic crisis at the expense of women and their right to work and education. This leads us to the role of legislations and their significance in protecting rights that guarantee dignity for women.

**Development of the Rate of Activity (%) by Gender from 2006-2011 (figures for May)**

Year	2006	2007	2008	2009	2010	2011*
Male	67.3	67.7	68	68.7	69.5	70.1
Female	24.4	24.5	24.7	24.8	24.8	24.9
Total	45.6	45.8	46.2	46.5	46.9	47.2

Source: National Institute of Statistics (\*projections)

#### **D. The Limit of Legislation in Realizing the Principle of Equality and Protection of the Right to Work**

The public sector ensures the right to work to all workers. Nevertheless, working women represented a significant proportion in some sectors, specifically in education and health. In 2010, 42% of workers in the education sector were women and around 50% of workers in the health sector. These specializations became linked to women and the sectors were feminized. This indicator characterizes the labor market, where traditional specializations, such as education and vocational training, remain exclusive to women such as secretarial work, nursing, writing, and cooking...

From the legal perspective, social legislations seem to endorse the principle of non-discrimination between the sexes. Chapter 11 of the Basic Law for Civil Service stipulates that there should not be any discrimination between the sexes in applying the law. Chapter 5 bis. of the labor code provides that there should be no discrimination between men and women in the practice of the requirements of the Labor Code and applicable texts. In the same framework, the Tunisian government ratified a number of international conventions pertaining to labor rights such as:

- Convention 100 on Equal Remuneration for Men and Women Workers for Work of Equal Value.
- Convention 111 on Discrimination in Employment and Occupation (1985).
- Convention 118 on Equality in Treatment in Social Security (1962).

The ratification of these agreements is an important step, yet the issue remains incomplete. But does this mean that women's rights are protected?

No doubt that these legislations adopted some measures to protect working women. Tunisian law regulated pregnancy and maternity leaves, allowing women workers a maternity leave of two months in the public sector and 30 days renewable twice upon presenting a medical report in the private sector. The following procedures were further supported after the ratification of ILO international conventions by the Tunisian government prohibiting women from working underground and in mining sites, in addition to regulating night work.

#### **E. Working Women and Unions**

The right to participate in unions is ensured in accordance to article 8 of the 1959 Constitution and practiced in accordance with the procedures provided in the labor code for both the private and public sector. Ever since the late 1970s, women's presence in unions started to evolve, specifically on the level of enrolment, bolstered by the establishment of the National Committee of Women Workers in March 1982 on the occasion of the International Women's Day. The tasks of this committee include work on issues specific to working women and supporting the presence of women in the various union structures. In September 2005, the union establishment registered 517,000 members, 35% of whom are women and 38% under 35 years of age. The total percentage of women involved in unions increased in 2011, to reach 47%.

**It is also worth noting the absence of women in decision-making positions, even after the revolution of freedom and dignity that was spearheaded by both male and female union members, who were considered main actors in the mass mobilization**

Despite the increase in the number of women in unions, representation in decision-making positions did not improve. During the 21st congress of the union federation in 2006, no developments took place concerning presence of women in the executive office, despite the numerous recommendations of the workshops of the National Committee of Women Workers or those emanating from the first convention of the Women Workers University in 2006, which stressed on the need for a quota in the general assembly, but to no avail. At the 22nd convention, held in December 2011, the number of women representatives was 13 out of a total of 517, which is an insignificant percentage and does not reflect the wide participation of women, specifically in the health, education, and textile sectors. Representation was subject to political, sectoral, and regional calculations that exclude women who do not represent voting power in the absence of a women bloc. Five women fulfilling the criteria ran for office during the elections for the executive office out of a total of 64 candidates, but none were elected.

Once again, the political debate eclipses the issue of women's representation. It is also worth noting the absence of women in decision-making positions, even after the revolution of freedom and dignity that was spearheaded by both male and female union members, who were considered main actors in the mass mobilization. Along with other democratic forces, such as women's organizations and political parties, they also defended the idea of an egalitarian base in the electoral lists.

In the absence of solidarity between women, the conference was dominated by a chauvinist logic. More often than not, women did not vote for women

and considered men to be better candidates in defending workers conditions. The weakness of female representation in decision-making positions can also be relegated to other reasons, for example, some are personal and others related to social conditions and responsibility within the family.

### **3- The Repercussions of the Suspension of the Multi-Fibre Agreement on Women's Work: The Case of the Textile Sector**

The textile sector is one of the vital sectors on which the Tunisian economy is founded. This sector employs a large proportion of the female labor force. With the developments in the global textile industry at the onset of the economic crisis, many industrial enterprises were closed, especially those run by foreign capital. This led to numerous sit-ins and strikes where women played a big role, forming the basis of an important social mobility witnessed during the last ten years. The sector employs nearly 50% of the workforce in manufacturing, which is 10% of the total active at the national level. Women make up an important segment of the workforce in this sector, about three-quarters of workers, and a quarter of the female labor force in general.

#### **A. Characteristics of the Textiles Sector in Tunisia**

The textile and clothing sector flourished immensely and significantly during the 1970s in developing countries. On the other hand, industrial countries introduced protection mechanisms within the Multi Fibre Agreement (MFA) in January 1974. The convention regulated the amount allowed to be imported from a number

of developing countries, specifically those that produce wool, cotton, and synthetic fibers. In countries not signatory to this agreement, such as Tunisia, Morocco, Bangladesh, and Cambodia, that benefitted from customs exemptions in the markets of industrial countries, this led to migration of investment capital in textile and consequently created work and local investment opportunities. However, the sector remained unique in Tunisia, due to the lack of added value of low labor skills, mainly based on unskilled female workers and dependent on imported machinery (tailoring for example).

Work on the convention was extended until 1995, when it was amended and a new convention on textile was issued. This coincided with the establishment of the WTO, which is based on the principle of non-discrimination, through the gradual dismantling of the quota system, spanning a period of 10 years and ending in 2004.

The dilemma of the link between work, employment, and protection is one of the most significant manifestations of the economic crisis; mass dismissals of workers being the most obvious indicator specifically in the textile sector.

In Tunisia, international economic transformations played an important role in the textile sector, which is considered one of the most important and vigorous of factory-based industries. It is estimated that “institutions employing more than 10 employees are around 2135, of which 1690 are for export exclusively, of which 997 institutions have external investment and 632 are completely dependent on external capital, employing 80% of the labor market, that is 170,000 workers out of a total

of 205,000 during 2005. Knowing that the percentage of workers in these institutions used to be 250,000. Therefore, since 2001, 600 of these institutions closed down leading to a loss of 35,000 job opportunities.” Closures continued to happen, although Tunisia had been ranked 4th since 1997 as a supplier for the European Union, after China, Turkey, and Hong Kong.

The textile sector remains one of the most fragile, due to its links to multinational foreign investment, specifically European. Various institutions migrated towards more competitive markets, after the decrease in shares of Tunisian establishments in external markets. The outcome of the complete annulment of the MFA and the end of the quota system was important variable that led to the economic and social crisis in Tunisia.

## **B. Characteristics of the Women's Workforce in the Textile Sector**

Workers in the textile and clothes industry tend to be from urban settings (80% come from urban areas) and women represent 76% of the total employed in the sector, compared to 6.24% of total employed at the national level. Female textile workers represent 29% of the total number of workers employed in all economic activities. (In addition, 7.64 % of all women employed in the textile sector are between 15 and 24 years of age. Males in this sector represent 6.46% of all working men). The feminization of the sector and its reliance on sections of women who are poorly skilled and trained allowed for more flexibility for employers. Since 1970 this category of workers was characterized by lower costs and acceptance of the lowest wages due to weak skills, making them more

vulnerable to dismissal and layoffs, due to the flexibility of work contracts and relations and the weakness of unions in the sector, which ensures the absence of social conflict for the employers in the case of dismissal. Women are considered the weakest link due to the fragility of their social situation and weak educational attainment, as 70% of women workers do not go beyond primary education.

Statistics also show that family burden is what leads women workers to jobs that do not require a high level of education, which are abundant in the textile industry, where 43.2% of did not go beyond elementary education and 10.5% of them are illiterate, as illustrated in the table below:

**Distribution of workers according to gender and educational level (%)**

Gender	Women	Men	Total
<b>Education</b>			
Illiterate	10.5	1.4	11.9
Primary	43.2	12.3	55.5
Secondary	8.7	22.1	30.8
Higher	0.5	1.1	1.6
Unspecified	0.1	0	0.1
<b>Total</b>	<b>76.5</b>	<b>23.5</b>	<b>100</b>

*Source: National Institute for Statistics, 2002.*

Since 2000, the annulment of the Multi Fibre Agreement led to the deepening of the economic crisis in the textile sector, which went through major layoffs, leading to a rise in strikes and sit-ins in several factories in different parts of the country. It also led to an escalation of protest movements supporting and adopting the different actions of dismissed workers. Many unions and rights organizations stood in solidarity and provided support to women’s sit-ins in factories and for long periods of time, like in the Fantasia textiles factory. Initially, strikes were linked to the lack of appropriate work conditions, specifically in textile

factories. It was estimated that the rate of unemployment in 2002 for women in this sector was approximately 77%, which is close to 23% of total unemployment at the national level.

Despite legislations aiming at framing and reintegration of laid-off workers, female workers who lose their jobs continue to face several problems and obstacles in reintegrating in the jobs market, since the market itself does not absorb those who are older (45 years and above). With the lack of health insurance and the absence of a pensions fund, laid-off female workers suffer immensely from unstable conditions, specifically due to the fragility of their economic and social situation. The majority of these women support children and participate in family expenditures. In many cases, they are the primary breadwinners in the family. In the absence of other qualifications and skills for laid-off textile workers, which would enable them to work in other places and reintegrate in the labor market, the alternative for the majority is poverty.

So, the textile sector remains the most prominent among all sectors, due to its major role in export and employment and its lead in factory-based sectors. Owners of industrial establishments in the textile sector stressed the need for state support for the sector, the need to participate in the improvement of infrastructure, and in helping to attract new markets, especially due to the difficult circumstances faced by economic institutions in 2011. They also emphasized the high cost of raw materials and the heated competition with some countries, such as Turkey and Morocco.

**4- Impact of the Mining Basin Uprising in 2008 on the Situation of Women in the Region**

“The uprising in the mining basin from January to June 2008 raised several issues simmering inside Tunisian

society today, in all dimensions and levels of social analysis. With its popular momentum, deep social roots, and the relative length of the period it took, as well as its difficult objective economic and social context, the uprising was the most prominent political/social event witnessed by Tunisia, since the events of 3 January 1984.”

The mining basin uprising demonstrated the superficiality of official discourse and emptied it of its content, especially with regards to the issue of employment and regional development. The former regime had always claimed that these two issues made up its two topmost priorities. The slogan, “employment is my priority,” translated the sharp contrast between claims to achieve stability and security, as social gains, and the deteriorating circumstances. The mining basin uprising exposed the security approach to solving social questions, including the attack on individual and public freedoms when popular and peaceful movements were confronted by arrests, the detention of several activists, and firing live bullets at demonstrators and protesters.

The mining basin uprising revealed the misery of the development pattern, in addition to the ugly face of social fragility and the crisis of the economic options being pursued. The question of employment represented a central demand of the social protest movement, led by higher education graduates, since it struck at the heart of the educational system and the value of university degrees. This can be seen from the following statistics in relation to the distribution of the active population. (Gafsa state and the south-west region during 2004 and 2007).

### Unemployment by District and Sex in Gafsa state in 2004 (%)

Region	Male	Female	Total
Northern Gafsa	5.3	7.4	5.9
Sidi Aich	5.9	10.2	7.2
Al-Qusair	19	30	21.5
Southern Gafsa	14.1	21.4	15.9
Umm al-Arayes	34.7	<b>56.7</b>	38.5
Al-Radif	23.7	40.3	26.7
Metlaoui	18.2	33.6	21.2
Mazila	23.5	<b>48.8</b>	28.4
Al-Qitar	16.8	24.9	19.2
Belkheir	15.4	21.5	17.2
As Sanad	26.2	41.7	28
Total State	19	28.3	21.1

Source: National Institute for Statistics, 2004.

The table indicates that the highest unemployment rates affect Umm Arayes area and sharply impacts females, where the unemployment rate reaches 57%, and it is about 49% in the Mazila area. This is due to the dominance of mining activity as a distinctive feature of the area, as well as the lack of diversity in related economic activities, the absence of investment in other fields that could absorb the female workforce, especially for women with high levels of education or professional competence. In 2007, the ratios evolved as indicated in the following table:

## Rate of Unemployment According to Educational Level and Sex in Gafsa and the South-West (%)

Educational Level	No Education	Primary	Secondary	Higher	Undeclared	Total
Region						
South West	6.7	15.9	20.9	33.9		20
Male	7.9	15.6	20.3	23.8	.....	17.7
Female	2.8	18.6	23.4	47.1		28.7
Gafsa State	6.2	14.7	21.8	36		20.1
Male	7.8	14.6	21.8	35.1	.....	18.1
Females	2	15.7	22	50.2		27.7
Country	5.9	13.5	15.4	19		14.1
Male	6.3	12.4	14.8	13.4	.....	12.8
Female	5.2	18	17.4	27.5		17.8

Source: National Institute for Statistics, 2007.

This table indicates the high unemployment rate of holders of certificates of higher education in the state of Gafsa and the southwest of the country, particularly affecting females. Unemployment is approximately 50%, almost three times the national figure. This is due to the weakness and lack of diversity of the economic fabric and the nature of production in the region. As stated previously, it is mainly based on the exploitation of natural resources, where low wages persist and where employers prefer persons with low levels of education in particular.

The mining basin uprising embodied regional development disparities. It also confirmed that many internal regions of the country did not develop to the extent that allows them to utilize their natural and human resources adequately, especially in face of the sharp decline of state intervention on the economic and social levels and considering the private sector's lack of interest in the interior regions, with regards to investment and employment.

The series of protests came after the mass dismissal of workers since 2000

and as a result of general unemployment, especially among graduates of higher education, an important component of the social protest movement. The uprising in the mining basin in the south of Tunisia expressed, in its depth and momentum, the first spark of the Tunisian revolution and generated phenomenal popular mobilization. It rallied all political, human rights, and trade union forces around it, without exception, over the legitimate demands of the protesters.

Women played an important role overall in the sit-ins and protest movement by the dismissed workers in the mining basin area. Some of them were arrested and assaulted, in addition to the harassment of mothers and wives of trade union and other detainees. Women led several demonstrations in the region, yelling in the face of injustice exerted on the mining basin area, its regional exclusion, and economic marginalization. Women protesters stressed that unemployment impacts them particularly, as indicated by the statistics in the preceding section. In fact, the nature of the economic fabric in the region cannot accommodate

university graduates or skilled professionals, with unemployment rates reaching their highest level in Umm Arayes and Mazila.

The social protest movement evolved despite the siege by the police and the totalitarian party. Social demands became intensified and turned into political demands, leading to profound political changes in the structure of the prevailing system, with the removal of its head (the overthrow of the state president). Social and economic demands were considered the most important themes raised before and after the revolution. The issue of unemployment and employment began to occupy an important place among the demands and targets of the revolution, raised in the political, trade union, and human rights arenas.

### **5- The 14 January Revolution: A Critical Juncture in Economic and Social Policies**

The participation of Tunisian women in the revolution for freedom and dignity cannot be ignored. Some of them were martyred and others participated in sit-ins and strikes and raised the slogan “jobs, freedom, and national dignity” along with the other actors, men and young people in the social protest movement. The slogan summarizes social demands in terms of urgency and political depth. Like their fellow citizens, women were aware of their right to work as a guarantor of human dignity and that the battle will not stop here. It will move ahead to instill public and individual freedoms and social justice, leading to the elimination of discrimination on the basis of sex, region, or beliefs.

The popular protest movement demonstrates that the January 14

revolution was the culmination of the struggles of all the actors, union, human rights, and political activists, over the fifty years of the history of the country of Tunisia. The role of impoverished and marginalized segments was important and specific, where demands were mainly social, later to be intensified and transformed into political slogans and demands related primarily to the overthrow of the regime and the dictatorship, in addition to dismantling the centers of corruption and sacking those responsible for the destruction of the national economy and the impoverishment of the people.

Despite claims by World Bank reports that Tunisia ranked 55 among countries receiving investment and that “during the last twenty years, Tunisia has achieved, through structural reform programs, tremendous steps towards supporting the competitiveness of the economy, as indicated in the 2010 IMF report.” The former regime created marketing myths about the successful model, but the masks fell and revealed manifestations of class differences, regional disparity, and financial and security corruption.

With the first spark of the revolution and the escalation of the protest movement, much ink was spilled to emphasize the “legitimacy and depth of the questions raised by the Tunisian revolution in international institutions: How can the significant gaps of this rentier economy be ignored, while it is unable to distribute the fruits of progress to the extent of collapse? Why we do not find any description of the general scene breached by the phenomenon of nepotism?”

The Tunisian revolution demonstrated the fakeness of economic indicators adopted by international institutions,

**The popular protest movement demonstrates that the January 14 revolution was the culmination of the struggles of all the actors, union, human rights, and political activists, over the fifty years of the history of the country of Tunisia. The role of impoverished and marginalized segments was important and specific**

**The Tunisian revolution demonstrated the fakeness of economic indicators adopted by international institutions, such as the IMF and the World Bank, to justify the programs they promoted and marketed, despite their failure**

such as the IMF and the World Bank, to justify the programs they promoted and marketed, despite their failure. They maintained that the GNP had grown by 3.1% in 2009, despite the persistence of the global economic crisis. This indicator was only one of the erroneous statistics, the most important being unemployment rates. The Tunisian government admitted to 14%, approximately 500,000, unemployed in 2010. However, the data confirms that the rates exceeded this number, as nearly 150,000 of them hold advanced degrees and some interior areas witness a rate of around 35%.

The popular protest movement did not stop at this. It continued on the track of achieving all its demands and dismantling the dictatorship in particular. Popular social mobilization created a protest movement in the two sit-ins in Casbah, imposing a new path and new demands. They were the dissolution of parliament and the rest of the legislative authorities, the abolition of the former constitution, the election of a constituent assembly establishing a new political environment, and the drafting of a new constitution breaking permanently with the system of tyranny, corruption, and dictatorship.

The women and feminist movement played an important role in the establishment of a new political life and a new constitution, since women were already present in the important and particular milestones in this historical period. Throughout the years, they accumulated experience and significant struggles on the economic, social, and political levels, working on the development of a number of gains, especially in the Personal Status Code. However, the Tunisian feminist movement does not believe that these gains live up to the aspirations

of Tunisian women. Therefore, they must be developed and enriched in a manner consistent with international texts and based on the principle of equality between the sexes, particularly CEDAW. This is why the role of trade union and human rights organizations in this important period of the history of the country should be emphasized.

## **6- The Role of NGOs, Trade Unions, and the Economic Prospects of Women's Rights and Social Development in Light of the New Political Variables**

“The women’s protest movement in recent years was a sign of Tunisian social mobility seeking to accumulate social struggles and establish a wide social resistance movement. While there are many forms of social resistance available to women, the most important were recorded in recent years, through the involvement in many struggles, such as the World March of Women Against Poverty and Violence, the global fight against poverty and debt, and Beijing+10.” This participation played an important role in the accumulation and exchange of experiences between women’s movements around the world and in the country. These stops helped to create a dynamic inside women and feminist associations, as well as the development of common demands to create a strong pressure group that could impact social realities and political decisions, to achieve equality and the elimination of gender-based discrimination.

Today, we look into what was previously attained in legal reforms for the benefit of women, how they impacted their advancement, and the depth and effectiveness in changing prevailing patriarchal mentalities and

in achieving gender equality. This becomes necessary, with the emergence of radical religious movements and the raising of many voices that began targeting women as the weakest link in society. These movements began imposing doubts on the principle of full and effective equality between the sexes and brought back the idea that holds women responsible for the economic, social, and moral crisis.

Therefore, the battles to enforce the principle of equality and inscribe it in the law is still ongoing.

### **A - International Participation and the Development of the Women's Social Movement in Tunisia**

The Alliance of Human Rights and Union Organizations kept up its work to ensure and protect economic and social rights, which began in 2000, in the framework of solidarity with the World March of Women Against Poverty and Violence. This colossal gathering brought women together from different parts of the world, who came to express their rejection of the global social order, which is based on discrimination and derived from the patriarchal and capitalist systems, both of which are based on the unfair distribution of wealth and grow side by side.

Independent Tunisian associations continued with these forms of alliances and took part in the Global Call to Action Against Poverty in 2006, in coordination with the Arab NGO Network for Development. The campaign aimed to raise public awareness on the importance of achieving social justice, democracy, and equality, and to fight against poverty, which particularly affects marginalized and vulnerable groups in society, such

as women and young people as victims of unemployment and the closure of establishments.

Since 14 January 2011 and the continuing fight for justice and equality, alliances between different women actors, mainly the independent feminist associations and newly established women's associations (founded after the revolution), as well as other human rights organizations that believe in full and genuine gender equality and women's committees operating in the Tunisian General Labor Union (UGTT). The battle against exploitation and unemployment continues, one the most important being the fight by women cleaning workers in the handling sector, the new form of modern slavery of workers.

In the midst of the battle for recognition of all human rights for women, on the occasion of elections the National Constituent Assembly, and due to the pressure of women from the Supreme Authority for Achieving the Goals of the Revolution, Political Reform, and Democratic Transition and civil society actors, the principle of parity with the rotation of candidates in campaign lists was adopted. Thus, women gained a major achievement, but it remained incomplete as it only affected candidacy but not the Constituent Assembly itself. After the announcement of election results, the weakness of women's representation was confirmed, where 4,000 women candidates out of a total of 11,000 won only 50 of the 217 seats in the Constituent Assembly. The absence of women in decision making positions in the political sphere was also confirmed, with only 3 out of the 41 ministers in the government (only 3 of the 108 parties established after the revolution are headed by women).

**they continue to work in order to impose their representation in decision-making and leadership positions in this organization**

The women's movement and feminists also stressed the importance of the principle of parity in relation to economic and social rights and the need for its activation within the framework of legislative institutions and political power. The presence of women in decision-making will impose the issue of recognition of these rights and their inscription in the constitution, in addition to creating mechanisms to protect and monitor these rights. The principle of parity should be mainstreamed in the remaining legislative powers and placed at the heart of the transitional government and non-governmental organizations, trade unions, and political parties.

Given the important role played by trade unions in exerting political pressure on political authorities, the battle of women in the various grassroots and middle structures of unions remains incomplete. However, they continue to work in order to impose their representation in decision-making and leadership positions in this organization, which played an important role in the Tunisian revolution, especially through regional associations located in the country's interior districts.

The absence equal representation of women in leadership and decision-making positions is due to weak participation, on the one hand, and the various reasons related to dominant male cultural heritage and a patriarchal system that pervades society. But this heritage cannot survive without discrimination and sexual division of social functions. For long years, the security situation, lack of democracy, and institutional corruption played an important role, through close police surveillance and the repeated attacks on male and female rights activists, politicians, and any organization

independent from the former ruling party (League of Human Rights, the Tunisian Association for Democratic Women (ATFD), the Tunisian branch of Amnesty International, the Association of Free Writers, trade unions, and the student federation...). This hampered their activity and ability to play their usual role of changing social reality and attitudes, as well as awareness of the importance of human rights as a guarantor of citizenship and a real incentive for women to become involved in these political and human rights frameworks and participate in public life.

The UGTT succeeded in negotiations with the third transitional government, especially following the actions of women cleaning workers in handling companies in the public sector. They protested the deteriorating work conditions, which should be decent and guarantee dignity, since such companies do not respect legal standards for work. The sector is characterized by low wages (130 dinars), which is less than the official minimum wage, and deprives workers of pensions. There is also an absence of social and health coverage and a lack of appropriate frameworks for unions union in the sector. That abolition of handling in the public sector is an important step and a real gain for workers, especially after the recent agreement with members of the transitional government to settle the situation of 140,000 workers of both sexes.

## **B. Challenges to Women's Demands**

Active and independent civil society alliances, especially women's (feminist) coalitions and unions are determined to continue the fight for democracy, social justice, and equality among all

citizens. But this cannot occur without the recognition of women's rights.

During the past years, these associations focused on numerous demands, including:

- The law related to family licenses for both the father and mother till the child reaches 3 years of age and when it is necessary to consider the upbringing of a child to be the responsibility of both parents. Tunisian legislation, such as the labor law, does not recognize that the issue of procreation is a social function, as stipulated in CEDAW and as is the case in some European countries. It does not provide two-thirds pay for part-time work for mothers, either. However, the law impacts the career path and promotions as well as engendering the prevailing idea that the responsibility for raising children falls on women.
- Developing and reviewing criminal procedures related to the problem of sexual harassment in the workplace, educational institutions, and so on, according to Chapter 226 bis of the Criminal Code which criminalizes sexual harassment. The law gives a narrow and hazy definition of sexual harassment. It also puts complainants under the possibility of prosecution on charges of slander, in case the judge finds a defendant not guilty." Sexual harassment is considered a violation of the law and an assault on the physical and moral integrity of the workers, as it sexual violence which targets them as women. Unions and associations had strived to criminalize this discriminatory behavior which reduces from women's citizenship and dignity.

- The right to free and compulsory education in all levels as, stated in the International Covenant on Economic, Social and, Cultural Rights; working on equal opportunities in vocational and university guidance; and shifting from the circle of disciplines devoted to the traditional division of roles between men and women.
- Establishing dormitories for female students, in line with the economic level of the various marginalized and impoverished groups, and ensuring it is free of charge during the first three years of higher education. The state should play its social role in this vital and important sector in the course of development.

These demands were stressed by all democratic political forces and independent civil society organizations, who expressed fears about the lack of clarity in the program of the government Troika, composed of the Islamic Ennahda, the Congress for the Republic, and the centrist bloc, especially in relation to economic and social issues. The positions by members of the government seem to conflicting, the Prime Minister defends the free economy, reflecting the vision of the governmental majority party, Ennahda, which will continue to apply the same economic system based on indebtedness and privatization. On the other hand, the Minister of Finance confirmed that only one-fifth of the population control 80% of the country's resources, an important indicator for the failure of the policy of privatization and debt.

This is what compels the trade union movement, social organizations, and others to stresses the need to stop the privatization of public institutions and

work to develop as a major guarantor of decent jobs. In this regard, we also note published critical readings of the draft supplementary budget for the year 2012 in daily newspapers and the focus of discussions in the audiovisual media.

For the UGTT, the budget bill for the year 2012 needed to achieve two goals:

- On the short run, it needs to provide a clear plan to invigorate the national economy.
- On the medium and long term, it needs announce the launching of structural reforms of the national economy to pave the ground for achieving the objectives of the revolution, namely employment, development, reduction of social and regional disparities, and combatting poverty.

We also note in the supplementary budget that there is a continuation of previous policies, which depend on stimulating investment and employment in general, without targeting sectors with high added value and employment capacity.

The remaining issue is gender mainstreaming in the planning and preparation of the state budget, which is part of the demands of the women's and feminist movement and an important factor in reducing gender disparities.

Feminist and women's associations also stressed the need to continue the partial progress achieved in relation to lifting reservations made by Tunisia (Government of Mr. Beji Caid Essebsi) at the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), on the issue of full equality between the sexes in all areas, including equality in inheritance

and equal rights between spouses in ownership and property management.

Inequality in inheritance and sexist discriminatory legislation will inevitably create fragility and impoverishment for women, and, therefore, social exclusion and violence against them. The coalition of feminist and women's associations are continue to demand the lifting of reservations and the withdrawal of the general declaration included by the Tunisian state in Chapter I of the Constitution of 1959, which has been suspended and the completion of all procedures related to the adequacy of the national law to the provisions of the Convention.

There have been varied reactions in human rights and political circles, some supportive and others dismissive under the pretext of cultural specificity and identity. The campaign to lift reservations was encountered by attacks by extremist religious currents, especially after the revolution.

Demands to ratify the ILO Convention Number 183 of 2000 on the protection of maternity continue, in addition to the compatibility of national legislation with their implications and the unification of maternity leave between the private and public sectors. The Tunisian government has ratified the remaining ILO conventions, but remained reserved on this one. This confirms that the rights of women, including the right to work and protection, are important issues and occupy a space in current political disputes.

Following the revolution, feminist and women's organizations focused on the issue of adherence to the values of full and effective equality between men and women, citizenship, freedom, social justice, humane treatment, and the

respect of physical, moral, and sexual integrity. This can only be achieved through the inclusion of human rights in general and the human rights of women in particular in the new Constitution, in relation to the role of the Tunisian state in the protection of human rights in general, including individual and public freedoms and human rights of women, and the state guarantee of full and real equality between women and men in their rights and duties in all areas, public and private, inside and outside the family. There should be no discrimination based on race, color, religion, gender, regional affiliation, political opinion, language, wealth, civil status, disability or impairment, regardless of the source of this discrimination, whether by public authorities and bodies or organizations, groups, or individuals.

The state also guaranteed full and effective citizenship for all male and female citizens in the political sphere and especially in relation to the right to vote, run for elections, participate in public affairs, unions, and associations, and occupy decision-making positions. The state also protects women from all forms of violence, regardless of justification, scope, source, or aim.

It was also emphasized that the Constitution guarantees the fundamental liberties, the freedom of belief, the right to religious practice, and the right of dissent for all male and female citizens without discrimination. The Constitution also guaranteed civil, political, economic, social, cultural, and environmental rights, on the basis of equality between citizens.

The question of including of economic, social, and cultural rights in the new constitution was considered an important demand, confirmed by all

constitutional proposals of the various political parties and associations. Of note, is the constitution proposed by the feminist and women's organizations of Tunisia, focusing on demands that the State recognizes and guarantees all citizens the right to adequate, free, and compulsory public education, the right to decent work that preserves human dignity, the right to decent and dignified housing, the right to enjoy free medical treatment, health services, and social security, and the right of movement within and outside the country without discrimination or supervision. Finally, the constitution should guarantee the right to equal and equitable distribution of wealth and equal transfer of ownership between women and men. The rights related to cultural creativity in all its forms were also stressed.

It was also emphasized that the Tunisian state needs to take measures and create mechanisms to ensure that these rights operate on the principle of gender parity as a constitutional mechanism, as well as the participation of women in decision-making, the development of a framework law to combat violence against women in all its forms of physical, moral, and sexual, in public space and private, whereby it is criminalized and considered a violation of human rights and a form of discrimination. Also emphasized was the need to establish an independent constitutional court to monitor the constitutionality of laws and their conformity with international conventions on human rights ratified by the Tunisian state, while ensuring the right to litigate and establishing an independent national body ensuring the respect of human rights.

Furthermore, there is the issue of ratification of the Optional Protocol to the International Covenant on

Economic, Social and Cultural Rights and its enforcement, which continues through the international campaign carried out by the international NGO Coalition for the optional protocol. The Optional Protocol provides the Committee on Economic, Social, and Cultural Rights the eligibility to receive complaints from citizens against state parties, in the case of a violation of the rights enshrined in the convention. Women's associations are involved in this campaign, especially those that participated in the campaign for the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. The interest in the Optional Protocol to the Covenant on Economic, Social and Cultural Rights, is due to its aim to activate all of these rights.

Economic and social rights are still threatened by current political pressures, in the absence of a clear social project by the current government and the presence of forces threatening the fundamentals and gains of the

civil state and the remaining rights of women most vulnerable to these threats. Maintaining the reality of discrimination and the patriarchal system, under economic and social crises and within the realm of traditional role-distribution, will deepen the vulnerability of women, because the fate of the remaining gains depends on gathering efforts from the various components of civil and political society to build a community project based on social justice, democracy, and full and actual equality between sexes.

This research shows that the world of economic and social rights is full of threats and violations and that changes the economic and social transformations experienced by the country during the decades of openness to the global economy hit at the core of principles and the gains made by women. Despite the struggles of workers, unions, and rights organizations, the human rights of women are yet to be recognized as an integral part of human rights in general.

# The Rights of PwDs in Work and Education

(Jordan-Palestine-Tunisia-Algeria-Lebanon)

## Lebanese Physically Handicapped Union

The realities confronting people with disabilities (PwDs) in many Arab countries in relation to the right to work and education, indicate an absence of a decent physical environment that meets their special needs and an absence of appropriate social awareness and specialization to interact with them as citizens, in addition to a minimal investment of their potential in society. This reality necessitates a reconsideration of public policies approaching issues of disability in its generality, and special needs specifically.

Due to the disparity between one country and another's legislatures in ratifying the International Convention on the Rights of People with Disabilities (ICRPD, 2006) and its Optional Protocol, there is an urgent need to adjust local legislation to the general spirit of the convention and to create appropriate opportunities to transition the issues of disability from the medical and charity model to a social model.

The most prominent features which help establish a foundation to invest in the potential of PwDs, lies in the removal of the social and material constraints, which hinder their integration in their local communities, starting from school and ending in the workplace, both in the private and public sector.

- Countries should adopt appropriate national policies, based on equality, equal opportunities, and inclusion, in accordance with the social model and compatible with the ICRPD.
- Drafting national laws based on the terms of the ICRPD and to guarantee the rights of PwDs in all areas, especially the right to decent work.
- Developing policies and practical strategies, to provide mechanisms and programs to guarantee the implementation of the law and the continuity of the protection of the rights of PwDs.
- The need for the participation of PwDs with decision-makers in developing and formulating policies, recognizing the importance of the transfer of experiences of PwDs and their in-depth knowledge of the difficulties and challenges that prevent them from engaging in the development process.
- The intersection of issues of disability with the issues of labor and education; for the issue of disability is not a one dimensional, it is an integral part of social issues including education, and labor.
- Enactment of local laws and policies.
- Developing of laws and policies that provide social protection for PwDs, and tougher sanctions to prevent vulnerability to exploitation and the multiple risks.

**an absence of a decent physical environment that meets their special needs and an absence of appropriate social awareness in addition to a minimal investment of their potential in society**

- Including the criteria of gender and disability in the policies and regulations of governmental and non-governmental organizations.
  - Creating a clear database of PwDs, which includes detailed information on their socio-economic situation.
  - Working to provide an accessible built environment, where the architecture allows the mobility of any person, and should bear in mind the different special needs and abilities in mobility, vision, hearing, active communication, and usage, to facilitate the mobility of PwDs, and thus enabling them to participate in all social and economic activities.
  - Arab governments should find a mechanism for the exchange of information and experiences, which help to develop standards of integration, be it may in the architectural environment or in employment and education. In turn, this helps to create a common socio-economic and cultural background on the issues of disability.
  - Finding a mechanism for dialogue on disability issues at the regional level, including employment and education, to build a common vision and a partnership with actors at the local, regional and international levels.
  - Including disability issues in national and regional reports on work and education.
  - Participation of disabled peoples organizations (DPOs) in the process of preparing national reports on employment and education.
  - Demanding that Arab media allocates space to spread the culture of disability and inclusion.
- On the Right to Education:**
- Conditioning public education laws to guarantee that children with disabilities have access to all stages of public education available to all children, allowing them to receive the required support within the educational system, in order to facilitate effective learning.
  - Providing concession for students with disabilities to provide them support through their university education.
  - The need provide teachers within the public education system with sufficient support, to guarantee that children with disabilities can receive an education on an equal basis with other children.
  - Work on removing any hurdles that prevent PwDs from becoming teachers.
  - Inclusion of integration criteria, in the structure of relevant ministries and of all departments and institutions. Ensuring comprehensive awareness towards the rights of and needs of students with disabilities and how to deal with them.
  - Having comprehensive statistics and scientific studies on all aspects of the diffusion of PwDs, and classifications of disabilities and their needs. Keeping up with advanced educational service models and implementing them locally.
  - The adequate equipping of all educational institutions for different levels and specializations, to guarantee ease and independence of their use by PwDs, whether they are students, teachers, or workers.
  - Adapting curriculums to meet the

- needs of people who are visually, hearing impaired, or with a mental or multi-handicap.
- Training faculties and workers in public and private educational institutions, to deal with the needs of PwDs.
  - To radically transition from the prevailing policy of isolation, towards educational integration, through a time framed, systematic national policy, in parallel with the provisions of the ICRPD.
  - Developing programs aiming to transition PwDs from working in protected labor sectors to the general labor market.
  - Working to make vocational training and employment services that are intended for the general public accessible to PwDs.
  - The state should take positive steps towards the employment of PwDs.
  - The state should promote the employment of PwDs in the private sector, through offering incentives and other measures.
  - Removing legislative barriers and the prohibition of discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement, and safe working conditions and health.
  - Including the criteria of integration in structures of the ministries concerned, and in the heart of labor regulations, formal and informal insurance systems, and their laws. The development of national strategies for creating and saving jobs adapted to the needs of PwDs.
  - Applying the ICRPD (and local legislation on the rights of PwDs) in relation to the environment of integration in educational institutions, workplaces and public places, and equipping public transport.
  - Performing surveys, mappings, and serious scientific studies, in accordance with international standards, on people with disability and their relation to labor markets. Including the disability criteria in all studies related to production.
  - Establishing a network of cooperation and coordination among relevant ministries and organizations concerned and committed to the rights of PwDs and the policy of integration, in the context of the global slogan “nothing concerns us without us.”
  - Removing social barriers and promoting awareness on the family level and society as a whole regarding PwDs. Promoting the respect for the rights and dignity for PwDs, combatting stereotypes, prejudices and harmful practices relating to them, including those based on gender and age, particularly in the workplace. Keeping up with affective awareness campaigns.
  - Removing cultural barriers related to regulations and policies, by amending the prevailing trends adopted by employers and the introduction of the culture of integration on standards, policies, and systems of action adopted at institutions.
  - Removing of physical barriers and providing a work environment free of obstacles and discrimination.

