The American University in Cairo

School of Global Affairs and Public Policy

“I AM NOT GOOD ENOUGH FOR THE STATE BECAUSE I AM A WOMAN”: THE FEMINIZATION OF POVERTY, A VIOLATION OF WOMEN’S SOCIAL RIGHTS?

A Thesis Submitted to the

Department of Law

in partial fulfillment of the requirements for the degree of

Master of Arts in International Human Rights Law

By

Masa Amir

May 2011
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ABSTRACT

This thesis explores the conception of the feminization of poverty, the notion that women experience a higher incidence of poverty than men, that women are prone to suffer more persistent/long-term poverty than men, that women’s disproportionate burden of poverty is rising relative to men, that women face more barriers to lifting themselves out of poverty, that the ‘feminization of poverty’ is linked with the ‘feminization of household headship,’ and that women-headed households are the poorest of the poor. Seeing that poverty has been defined as capability deprivation that prevents individuals from leading the kind of life they have reason to value, it will be argued that women are indeed poorer in many societies in many dimensions of capabilities. Women are poorer in the sense of human poverty, as their poverty includes areas such as exclusion from decision-making, unequal opportunities in schooling, and restrictions in employment, among others, all restrictions on choices and opportunities that are not dependent on income levels. Women are not only deprived of capabilities but they also face great challenges in their attempts to transform their capabilities into well-being. In the case of Egypt, the state plays an active role in aggravating women’s vulnerability through a social security system that is built with patriarchal assumptions of women’s roles and needs in mind. It is this increased vulnerability of women to chronic poverty that has been dubbed the ‘feminization of poverty.’

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I. INTRODUCTION

Poverty is identified by a number of commentators as a serious human rights issue. Former UN High Commissioner for Human Rights Mary Robinson has said that: ‘I am often asked what is the most serious form of human rights violations in the world today, and my reply is consistent: extreme poverty.’ The Committee on Economic and Social Rights (CESCR) has affirmed these propositions, stating that:

*Although the term is not explicitly used in the International Covenant on Economic, Social and Cultural Rights, poverty is one of the recurring themes in the Covenant and has always been one of the central concerns of the Committee.*

This study will assess the contentious concept of the ‘feminization of poverty.’ Critiqued for not reflecting an accurate reality of poverty, it will be argued that women are poorer in the sense of human poverty, as their poverty includes areas such as exclusion from decision-making, unequal opportunities in schooling, and restrictions in employment, among others, all restrictions on choices and opportunities that are not dependent on income levels. The absence of adequate and appropriate social provisions, lack of access to economic opportunities, and absence of an institutional alternative to the male provider are among the complex factors that leave many women heads of households in the precarious state of having to fend off for themselves in a labor market that cannot absorb them due to the lack of job opportunities, women’s lack of skills and education, and the costs of childcare. Social security provisions, the main factor to be analyzed in this research, can play a great role in supporting *de facto* or *de jure* women heads of households, but these are infiltrated with gendered laws and underlying assumptions about the needs of women and what constitutes a “normal” family structure. Social security has become more important than ever due to globalization and structural adjustment policies that are often factors that work against groups such as women. According to the ILO “One of the key problems facing social security today is the fact
that more than half of the world’s population are excluded from any type of statutory social security protection."² In South Asia and Sub-Saharan Africa approximately 90 per cent and in middle-income countries between 20 and 60 per cent lack such protection.

The bulk of this research will be concerned with non-contributory social aid programs this is due to the fact that the majority of female-headed households (FHHs) in Egypt resort to these programs, seeing that 70% of all FHHs are illiterate women who are not involved in the state’s contributory social security system, which mainly targets those with a regular job in the formal economy. The idea of the minimum core approach to fulfilling economic, social, and cultural rights will also be analyzed, and whether it is more fruitful to resort to indicators and benchmarks in assessing the state responsibility to fulfill the right to social security.

II. POVERTY AND ITS FEMINIZATION

It is exceedingly difficult to define poverty. Poverty has traditionally been approached through the economic indices of income and consumption, commonly defined as the inability to acquire a certain income level that is imperative if one is to satisfy basic human needs. This classic view of poverty has been associated with attempts to arrive at monetary estimates of basic living standards and estimates of income levels that would place individuals below the “poverty line.” Priority is thus given, in the World Bank’s Poverty Assessments, for example, to an income and/or consumption-centered definition. A focus on a “poverty line” goes in tandem with the former approach. However, there is little consistency in the way the poverty line is established, defeating the purpose of collecting quantitative data, since one of the rationales of collecting such data is the fact that they can be compared over time and in different contexts.\textsuperscript{3}

The income/consumption approach to measuring and understanding poverty leads to an analysis of poverty that relies on expenditure data from household surveys, which are often difficult or impossible to compare. In addition, and more significant for the purposes of this research, the reliance on household expenditure data greatly affects the way in which gender issues are analyzed. That is, in order to make gender visible, such an approach relies on a crude division of households into male-headed and female-headed. Such a division is highly problematic, however, as it ignores the great variation in female-headed households; which includes households of single women wage earners, with young dependants, households in which women receive remittances from absent males, houses in which males are present but are unemployed or refuse to work, and so on.\textsuperscript{4} An approach in which these varying categories of households, generated by different social processes, are brought together under the simple category of “female-headship,” which is then placed in a dualism with “male-headship,” is of no help when attempting to interpret the evidence meaningfully.

Rather than the conventional income/consumption poverty approach, the focus has

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shifted to one that is concerned with what people can do or be, focusing on indicators of their physical quality of life, or what has been dubbed their ‘functionings.’ The latter framework has been laid out by economist Amartya Sen, with his groundbreaking notion of development as freedom. According to the notion of ‘development as freedom,’ the goal of development should be the enhancement of freedoms that would enable everyone to lead the kind of life they have reason to value. Although the notion of development is not what this research is concerned with, the approach of poverty as a form of ‘unfreedom,’ rather than a simple absence of certain income levels will be used throughout this research. Such an approach to poverty draws from the insight that not being poor implies a “freedom from the necessity to perform activities that are regarded as subservient and the ability to choose self-fulfilling and rewarding lifestyles.” At the same time, but from a different perspective, some policy discourse focuses on female empowerment, identifying it as an effective way to reduce poverty or meet goals such as fertility decline. Female empowerment has an instrumental value, as it establishes an association between the “degrees of autonomy” permitted to women in different contexts and certain economic or social outcomes that are seen as desirable. The search, in this context, is thus focused on quantifiable indicators of empowerment. The indicators used to measure empowerment vary, from women’s mobility in the public domain to the more prominent measure of decision-making agency. The latter is based on responses to questions including the role of women in decision-making in areas such as food purchase or their children’s education.

Such an approach has it deficiencies, however, as not all decisions are indicative of empowerment, which is about a “process of change whereby those who have been denied the ability to make choices acquire such an ability.” Decisions regarding the purchase of food, for example, are made by women in many cultures, telling us very little about empowerment. In addition, not all decisions carry the same weight, as some are fundamental life choices, such as whether or not to marry, while others, such as what

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5 *Supra* note 1, at 475.
7 *Supra* note 1, at 476.
8 *Supra* note 1, at 477.
foods to purchase, are of less significance.

There is a need to recognize that women stand at the crossroads between productive activities and the care of human beings (the care economy). Subsidized childcare, public transport, and public healthcare programs help women meet their dual responsibilities. When state resources are not channeled to such services, women must work more to compensate for the shortfall.

This freedom-centered understanding of poverty is agent-oriented, focusing on the premise that with adequate social opportunities, individuals can “shape their own destiny and help each other.” The view of freedom here is one that involves the processes that allow freedom of actions and decisions and the opportunities that people have given their personal and social circumstances. Unfreedom thus arises either through inadequate processes or inadequate opportunities for achieving what people would like to achieve. An understanding of poverty that is agent-oriented and which focuses on freedom is congruent to the approach of economic, social, and cultural (ESC) rights, which do not only include “subsistence rights,” but rather undertake a holistic approach that includes rights such as the right to the enjoyment of the highest attainable standard of living, the right to work, to education, to social security and insurance, and to taking part in cultural life, among many others.

The language of capabilities and opportunities is also one that has a place in the literature of ESC rights. Participation is inherent in the right to social security, for example, the practice of the Committee on Economic, Social and Cultural Rights (CESCR), for example, illustrating that participation rights and the provision of remedies are key mechanisms for the realization of ESC rights. One instance of that similarity is the conception of group rights. Human rights are, as the Human Development Report 2000 claims, based on the importance of freedom for human lives, the core idea of capability. Although rights are diverse, they all entail the entitlement of help and non-

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10 Id., at 17.
11 “Subsistence rights,” refer to a subset of economic and social rights that deals with the right to an adequate standard of living, including food, water, clothing, housing, and health, enshrined in article 11 of the ICESCR.
interference from others on defense of one’s substantial freedoms. The focus of this research would be on an analysis of whether certain disadvantaged people, in this case women, suffer from systematic deprivation of substantive opportunities and on the nature of the processes that bring the opportunities about or the freedom of choice that women have. It will be argued that women in Egypt systematically suffer deprivation of substantive opportunities through patriarchal processes and structures, specifically laws, that constrain their opportunities, furthering the so-called “feminization of poverty.”

The capability approach is particularly effective in analyzing the feminization of poverty since it does not only focus on the oft-made connection between low income and poverty amongst women. Rather, it acknowledges that while income and capability deprivations have correlational linkages, it is not entirely accurate to assume that awareness of the former would tell us enough about the latter. It is important to depart from the exclusive focus on income poverty to the more inclusive notion of capability deprivation if we are to fully grasp the poverty of women’s lives and get a fuller picture of success and deprivation. Through the concept of human poverty, that is, one that is based on an analysis of capabilities and freedoms of individuals, the causes, not merely the symptoms, of poverty can be analyzed. The concept of human poverty can thus be of great help in the shedding light on the relationship between gender and poverty, as it makes possible the disaggregation of the household and an analysis of the relative poverty of household members. Poverty thus goes beyond material need, manifesting itself through the exclusion and discrimination the poor face in the social, economic, political, and cultural dimensions.

Human poverty can be measured by indicators of the opportunities and choices people have, which was attempted by the human poverty index (HPI), a composite measure introduced by the Human Development Report in 1997. The HPI is a measure of human poverty that is not based on income and is multidimensional, focusing on survival, knowledge, decent standard of living, and social participation. Although it does not focus

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on income, human poverty is larger than the HPI, as some critical dimensions are difficult to quantify or the data for them simply does not exist, examples of such dimensions including exclusion and personal security. The HPI further makes a distinction between different socio-economic conditions, establishing two sets of HPI, HPI-1, which applied to developing countries, and HPI-2 for industrial countries. An analysis of the data presented by HPI illustrates the fact that poverty goes beyond income. For example, although Egypt has succeeded in reducing income poverty to less than 15 percent by the international measure of $1 a day, human poverty remains at a high 34 percent.

Seeing that poverty has been defined as capability deprivation that prevents individuals from leading the kind of life they have reason to value, it will be argued that women are indeed poorer in many societies in many dimensions of capabilities. Women are poorer in the sense of human poverty, as their poverty includes areas such as exclusion from decision-making, unequal opportunities in schooling, and restrictions in employment, among others, all restrictions on choices and opportunities that are not dependent on income levels. Women are not only deprived of capabilities but they also face great challenges in their attempts to transform their capabilities into well-being. In the case of Egypt, the state plays an active role in aggravating women’s vulnerability through a social security system that is built with patriarchal assumptions of women’s roles and needs in mind. It is this increased vulnerability of women to chronic poverty that has been dubbed the ‘feminization of poverty.’

It is important, here, to make a clear link between human poverty and rights. Although the term ‘poverty’ is not specifically used in the ICESCR, it is a recurrent theme in the Covenant. The right to work, an adequate standard of living, housing, among other, that are at the heart of the Covenant are directly involved in the eradication of poverty. In its ‘Statement on Poverty,” the CESCR notes that the definition of poverty that incorporates capability failure and which recognizes poverty’s “broader features such as hunger, […] discrimination, vulnerability, and social exclusion” is a definition that

corresponds with the ICESCR’s provisions.\textsuperscript{16} It is thus the argument that human rights fulfillment means bringing capabilities for those living in poverty. The conditions under which people in poverty live represent violations of human rights, so that if human rights violations experienced by the poor are to be addressed, poverty must be addressed through the rights of the individual and the social and economic setting under which he or she lives.\textsuperscript{17} Thus, although, technically, there is no right not to be poor in international human rights law, the existing legal provisions (such as the rights to participation, access to justice, to food, education, etc) contain guarantees that are essential for people to move out of poverty.\textsuperscript{18}

The concept of the ‘feminization of poverty’ was introduced towards the end of the 1970s in an article\textsuperscript{19} by Diana Pearce to stress the greater impact of poverty on the lives of women in America, the claim supported by research that portrayed the multifaceted ways in which poverty affects women and to further the claim that women had long been ignored in development studies and data. Pearce’s article generated great interest in documenting the connection between poverty and women, not only in academic circles, but also in international forums, as several United Nations bodies incorporated the concept into their analysis of poverty and in their studies the global situation of women. The concept’s breakthrough, however, can be traced back to the Fourth UN Conference on Women in 1995, during which it was claimed that women constitute 70 percent of the world’s poor, after which the goal of eradicating the “persisting and increasing burden of poverty on women” was adopted as one of the 12 essential areas of the Beijing Platform for Action (BPFA).\textsuperscript{20} However, the concept started to face criticisms toward the end of the 1990s, one critique being the absence of clarity on whether feminization of poverty explains a process by which women have fallen into poverty, or if it is that women are poorer than men.\textsuperscript{21} The claim that women constituted 70 percent of the world’s poor,

\begin{itemize}
\item \textsuperscript{16} Id., at para. 7.
\item \textsuperscript{17} Sigrun Skogly, \textit{Is There a Right Not To Be Poor?}, 2 HUM. RTS. L. REV. 59, 63 (2002).
\item \textsuperscript{18} Id., at 74.
\item \textsuperscript{20} Sylvia Chant, \textit{The ‘Feminisation of Poverty’ and the ‘Feminisation’ of Anti-Poverty Programmes: Room for Revision?}, 44 J. DEV. STUD. 165, 166 (2008).
\item \textsuperscript{21} ESTHER VICENTE, \textit{FROM THE FEMINIZATION OF POVERTY TO THE FEMINIZATION AND DEMOCRATIZATION}\end{itemize}
although critiqued for being unsubstantiated and alarmist, ominously warning of worse to come, helped draw attention the “great number of women” who are living in poverty and in highlighting the impact of macro-economic policies on women, calling that women be recognized in the development process and raising awareness of the fact that female-headed households (FHHs) exist and making a case for their vulnerability. In addition it is also claimed that the concept of the feminization of poverty served as a “marching call” that calls on us to question our assumptions about poverty by analyzing how it is caused, manifested, and reduced, and most importantly, to do so from a gender lens.22

Despite the concept’s role in promoting awareness to the fact that the experience of poverty is gendered, many critiques are leveled at the concept. The first of these pertains to the claim that term ‘feminization of poverty’ is often used without clarification as to what it means. The term’s major attributes include the following claims:23 that women experience a higher incidence of poverty than men, that women experience greater depth/severity of poverty than men, that women are prone to suffer more persistent/long-term poverty than men, that women’s disproportionate burden of poverty is rising relative to men, that women face more barriers to lifting themselves out of poverty, that the ‘feminization of poverty’ is linked with the ‘feminization of household headship,’ and that women-headed households are the poorest of the poor.

What is usually leveled against the term, however, is the shortage of a detailed analysis of the ‘poverty’ dimension. The focus on the monetary aspects of poverty is especially critiqued in the context of the ‘feminization of poverty’ because, first, various authors and scholars have stressed that, not only the feminization of poverty, but poverty generally is not “just about lack of income.”24 And second, feminist research has, over the years, highlighted the necessity of a holistic framework to adequately analyze and understand gendered deprivation; such an approach including (a) capability and human development frameworks, which utilize factors that pertain to Amartya Sen’s previously touched upon concept of human capabilities, (b) ‘livelihoods’ frameworks that emphasize

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23 Bibars, Supra note 3, at 167.
24 Fukuda-Parr, Supra note 13, at 103.
social and material assets, (c) social exclusion perspectives that emphasize the marginalization of the poor through lack of political participation and “voice,”\textsuperscript{25} and (d) frameworks that stress a subjective dimension of poverty, such as self-esteem, power, and dignity.\textsuperscript{26} There thus appears to be a schism between the parameters of the ‘feminization of poverty’ and the more holistic conceptualization of gendered poverty. In addition, given the decreasing disparities between a variety of women’s and men’s capabilities and opportunities, such as education and employment, it is seen as counterintuitive that gendered gaps in income poverty should be widening. Moghadam elaborates this point by arguing that:

The feminisation of poverty would appear to refute the idea that economic development and growth are generally accompanied by a trend towards the diminution of patriarchal gender relations and an advancement in the status of women through improvements in women’s capabilities.\textsuperscript{27}

In addition to the contradiction between women’s rising capabilities and opportunities and worsening incomes, a substantial challenge to the emphasis on the monetary aspect in the concept of the ‘feminization of poverty’ is that relevant data are very scarce, as no international database exists that provides a comprehensive breakdown of the incidence of women’s income poverty in comparison with men’s, despite the calls of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) for more sex-disaggregated statistics.\textsuperscript{28} Moreover, despite the fact that scholars have asserted that there is little evidence that FHHs are poorer than their male counterparts in any systematic manner,\textsuperscript{29} sweeping pronouncement have been made from

\textsuperscript{26} Naila Kabeer, Gender Equality and Women’s Empowerment: A Critical Analysis of the Third Millennium Development Goal, 13 GAD 13, 15 (2005).
\textsuperscript{27} Valentine Moghadam, The Feminisation of Poverty in International Perspective, 5 BJWA 225, 248. (1998)
\textsuperscript{29} Supra note 10, at 169.
the early 1990s onwards according to which FHHs are the “poorest of the poor, female heads becoming a proxy for women despite the caution that “headship analysis cannot and should not be considered an acceptable substitute for gender and poverty analysis.” Analysis using survey data does not prove a substantial magnitude of poverty between men and women and a comprehensive review of survey data for 14 developing countries undertaken by the International Food Policy Research Institute (IFPRI) found that, generally, there are more women than men in poor households and that, in many countries studied, FHHs are poorer than male-headed households. However, in a number of the countries studied, there was no clear pattern of greater poverty among women or FHHs. In addition, in some of the later countries, there was not sufficient evidence that women and FHHs are over-represented among the poor. The World Bank Poverty Assessment also found that, although FHHs are worse off than male-headed households, that was the case in some, not all, countries.

While quantitative evidence does not point to large differentials in poverty between men and women and men-headed households, it does show, however, that substantial numbers of women live in poverty and that differences in poverty levels between men and women vary across countries. Such findings indicate that rather than analyzing the relative poverty levels of men and women, it is more meaningful to look beyond that, focusing instead on how gender norms influence the economic and social processes leading to poverty. Despite the many critiques of the concept, the ‘feminization of poverty’ is a “hard-hitting slogan” that is very effective in underlining the point that poverty is a gendered experience. Through incessant repetition, the term certainly helped

30 Chant, Supra note 19, at 169.
31 Agnes R. Quisumbing, Lawrence Haddad, and Christine Peña, Gender and Poverty: New Evidence from 10 Developing Countries, 9 (International Food Policy Research Institute, FCND Discussion Paper No.9, 1995).
32 Id., at 2.
35 Supra note 10, at 171.
raise the status of women’s concerns in national and international discourses on poverty and social development. The incorporation of gender into poverty analysis has also been a practical venture as it offered the tempting prospect that ‘two birds may be killed with one stone,’ that is, by reducing poverty, gender equality could also be attained. The concept thus helped the collective international imaginary to realize that for many reason, women confront poverty differently than men and in ways that had long been ignored.

Despite the concept’s ability to “put gender on the agenda,” its current constitution poses problems for analysis and policy making. As to the analytical problems the concept poses, the universalism implied by the ‘feminization of poverty’ is another aspect that is seen as problematic, as it frames the experiences of all women as an undifferentiated unit. Differences among women, such as age, which are critical in determining whether and how poverty is feminizing, are usually ignored. A second analytical problem associated with the concept is the implicit focus on income and ignoring other more complex and abstract dimensions of poverty. The value of income data, however, does not confirm women’s relative privation as compared to other criteria such as access to land and credit, decision-making power, legal rights in the family, and dignity. As explained by Rodenberg:

The important determinants that go into the making of women’s social positions in today’s world society are marked by legal, political, cultural and religious discrimination. These circumstances clearly indicate that the fact that women are disproportionately affected by poverty is neither due primarily to lower incomes nor finds its sole expression in them. Instead, inequality has its most important roots in inadequate access to resources, lack of political rights, and limited social options as well as in a greater vulnerability to risks and crises.

Rather than a sole focus on income without analyzing, for example, whether women can access household income, for example, we will not be able to understand gendered poverty. As summarized by Sweetman, poverty is “as much about agency compromised

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36 Chant, Supra note 19, at 172.
37 Birte Rodenberg, Gender and Poverty Reduction: New Conceptual Approaches in International Development Cooperation, 5 (German Development Institute Reports and Working Papers 4, 2004)
by abuse, stress, fatigue, and voicelessness, as it is about lack of resources.”38 The importance of “subjectivities of poverty” has been illustrated in work on female household headship and the concept of ‘trade-offs,’ whereby women choose between various dimensions of poverty for their personal well-being or that of the household.39 For example, even though being a single parent might be a high price for women’s independence, many may choose it as a “preferable kind of poverty,”40 that is, women may choose to stay alone or not return to their ex-partners in order to be able to use the income they or other members of the household earn the way they see fit, for example, or to enjoy a sense of well-being as their lives are free from violence or conflict. The latter concept of trade-offs thus highlights the idea that poverty cannot be analyzed without taking into account the personal experiences and perceptions of women and the fact that within a limited remit, they can also exert agency. Rodenberg notes that:

> Women are [. . .] more often affected, and jeopardized by poverty. Lacking powers of self-control and decision-making powers, women – once having fallen into poverty – have far fewer chances to remedy their situation. This fact, however, should not be understood to imply globally that e.g. a rising number of women-headed households is invariably linked with a rising poverty rate. It is instead advisable to bear in mind that a woman’s decision to maintain a household of her own may very well be a voluntary decision – one that may, for instance, serve as an avenue out of a relationship marred by violence. If poverty is understood not only as income poverty but as a massive restriction of choices and options, a step of this kind, not taken in isolation, may also mean an improvement of women’s life circumstances.

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Another major critique of the feminization of poverty is the emphasis on FHHs, epitomized by statements such as “the feminization of poverty is the process whereby poverty becomes more concentrated among individuals living in female-headed households.”

Such a thesis is problematic as it seems to suggest that when women are without men, their situation is worse, when it is the fact that, as stated in Rodenberg’s quote above, some women choose to be heads of households as a way to exert more control over their lives and/or increase the well-being of their household. The concept also furthers the image of women as victims, such a perception often implying that women need “special support” and not “equal rights.”

In addition, FHHs are a heterogeneous group, with different household compositions and status, for example, factors that can have mediating effects on poverty, thus defying the vague truism of the label of the ‘poorest of the poor.’

One of the most stringent critiques of female-headed households (FHHs) as a criterion is the claim that there is no universal meaning of headship, as female headship can denote cases in which women maintain the house and are the key decision-makers and cases in which women manage the household on behalf of an absent male. Before analyzing what is meant by female headship, it is important to discuss what is meant by the term ‘household.’ Defining a ‘household’ is crucial as a large part of women’s domestic and reproductive labor is related to her position in the household, the organization and composition of the household thus having a direct impact on women’s lives.

The definition of the household is not universal, however, differing based on the culture, as it can range from economic or kinship units to individuals not related by blood. The definition chosen by a researcher is such a subject of the issue and the cultural context being studied. The definition to be used in this research is the common definition of the household as “one or more adult(s) and/or children live together and share domestic and reproductive tasks in the same unit.”

The concept of headship, however, is much more difficult to define. Although I

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41 Chant, Supra note 39, at 35.
42 Razavi, Supra note 2, at 58.
43 Bibars, Supra note 3, at 43.
44 Id.
initially thought that a household can be defined relatively easily if the economic provider is located, as he/she would logically head the household, I found that it was much more complicated, as there is no simple criterion by which to define the head of the household. There are cases, for example, in which the husband has a full-time job and is physically present and others in which women contributed equally or even more than their spouses, complicating the definition of the head of the household.

Counterintuitively, the ability to earn a living is not necessarily an indication of who is the head of the household. In some cases, for example, women work but men take all the major decisions in the household, or cases in which women are housewives but control their husbands’ income.45

Despite the complexities and controversies surrounding the definition of headship, researches have come up with various categorizations to define headship, and especially female headship. Bahie el-Din, for example, defines families supported by women as families in which women are the main breadwinners, which are divided into two categories. One is households in which the husband is physically absent, not providing any assistance to the family, such as cases of abandonment, divorce, death, etc; and the second is households in which the husband is physically present but is unemployed, disabled, etc.46 Moser divides FHHs into de jure FHHs, in which the male is absent and the woman is legally single or divorced or widowed; and de facto FHHs in which the male is temporarily absent due to migration, for example, and so the woman is not the legal head of the household. In the latter cases, women are often perceived as dependents even thought they might have the primary, if not absolute, responsibility over all organizational aspects of the households.47

For the purposes of this research, I found Bibars’ conceptualization of FHHs the most appropriate, as it is suitable for the particularities of the Egyptian case. According to Bibars, FHHs include women who are the sole or major source of income to the family and who are the sole or major members of the family responsible for its livelihood,

45 Bibars, Supra note 3, at 44.
46 Amira Bahie el Din, A Legal Study on Families Supported by Women, paper presented to the Population Council Conference on Women Headed Households, Cairo, 20 March.
women who represent the family members vis-à-vis the community legally and socially, and, and women who carry the main family responsibilities inside and outside the household. Bibars’ definition of FHHs includes a variety of women, including de jure FHHs, such as divorcees; women who were never married; deserted wives; widows; women married to imprisoned men; women married to drug addicts or alcoholics; women married to u’rzui’ men, a slang term referring to men with no regular job and thus no regular income who are usually skilled and unskilled manual laborers that work if there is a specific task to perform; and co-wives (a woman involved in a polygamous marriage) to a who do not have contact with their husbands, the latter refusing to provide for her and their children. The head of the household is thus to be understood as the “chief provider who bears the main economic responsibility for the management and maintenance of the household.”

It should be noted that the reasons for female headship are mainly marital status and economic contribution, for the purposes of this study, the indicator of economic responsibility used to determine headship used here because breadwinning has classically been used to describe men as heads of households. Seeing that this study will be primarily concerned with social security services, the economic basis for female headship will be analyzed. Such a basis can also be connected with the concept of human poverty, as one of the issues to be touched upon in this study is whether women managed to gain the same, or at least more, authority and power as male economic providers once she became the breadwinner.

The different categories of FHHs are also accompanied by differences in status, economic condition, and autonomy of the women involved; differences that can be tied to the marital status, the stage in the course of life, class, or the presence or absence of a spouse. According to Chant, a difference can also be based on whether it was the woman who decided to be separated from the husband, becoming the main provider, or whether the husband abandoned her. She identifies five factors that affect the status of FHHs that can be related to the Egyptian environment. The first is marital status, which is a route through women become household heads, influencing their economic status, how they

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48 Bibars, Supra note 3, at 48.
49 Id., at 47.
are perceived by society and policy-makers, and how they perceive themselves. In Egypt, the state responds differently to FHHs according to their marital status, welfare programs targeting widows, divorcés, and deserted women, but not co-wives, wives of the unemployed, or wives of u’rzu’i men. State officials refuse to recognize families in which women are the de facto heads of household as long as an adult male is residing or legally related to the family.50 Such is the view held by officials in Egypt’s Ministry of Social Affairs (MOSA). According to an interview held by Bibars, the head of the social unit believed that:

Women who maintain their families are those women who are all alone, without any man to support them. But a co-wife has a husband and she is his responsibility.51

The final critique of the concept relates to the claim that rather than the feminization of poverty, the concept of the ‘feminization of responsibility’ should be used instead, as it better reflects the realities many women have to deal with. That is, women are not only income-poor, but they are also faced with dealing with poverty. Women’s increasing responsibilities are not matched with any discernible increase in entitlements, the social worth of women’s labor often going unnoticed, so much so that the feminization of poverty in the sense of deteriorating women’s incomes is not as relevant as a feminization of responsibilities and obligation.52 The latter conception is seen to be more relevant given the increasing numbers of women of all ages who work outside the home and perform unpaid reproductive chores for husband, brothers, and sons, while men are not increasing their productive work.53 A study conducted by the UNDP, for example, of 9 developing and 13 developed economies found that unpaid reproductive labor accounts for two-thirds (66%) of women’s labor, versus one-quarter

50 Bibars, Supra note 3, at 51.
51 Id., at 51.
52 Bibars, Supra note 3, at 178.
53 Id., at 178.
(24-34%) of men’s, and that women work more hours overall than men.54

The increased work load on women is not necessarily associated with increased entitlements, but is congruous with cultural expectations of female altruism, behaving otherwise becoming outside the realm of the possible.55 As a result of focusing only on material poverty, the result has been the feminization of anti-poverty programs with the result being the pushing of the burden of dealing with poverty more and more on the shoulders of women. A policy of pursuing gender equality in order to reduce poverty is grounded is one grounded in efficiency considerations, that is, targeting the group that is more likely to produce the greatest benefit for the greatest number. Poverty alleviation programs are thus carried out through women, so that women end up working for development, rather than the opposite.56 UNIFEM points out that:

One might even argue that the economic and social reproductive realms which women are expected to tread, overextend the range of roles and responsibilities of women compared to men, which does not necessarily enlarge their life choices, but may even limit them.57

By relying on women or mothers, many poverty alleviation programs further endorse non-egalitarian family models, the feminization of poverty concept thus failing to play a role in destabilizing deeply entrenched structures of gender inequality in the home, labor market, and other institutions. The way forward, however, can be summarized by the claim made by the Asian Development Bank, according to whom:

Poverty is increasingly seen as [a] deprivation, not only of essential assets and opportunities, but of rights, and therefore any effective strategy to reduce poverty

55 Kabeer, Supra note 25, at 15.
must empower disadvantaged groups, especially women, to exercise their rights and participate more actively in decisions that affect them.\textsuperscript{58}

Despite the many critiques, I believe that the concept of the feminization of poverty should continue to be used for the following reasons. The first is that even thought the notion of the feminization of responsibility might better reflect the realities that women deal with, it fails to illustrate the fact that the feminization of responsibility ultimately refers to the condition of women who are burdened with dealing with poverty. The emphasis on poverty, the ultimate condition that is of concern, is thus lost. Second, the concept of the “feminization of poverty” is already known and it could evolve into a more elaborate concept. Third, it had a great role in engendering poverty alleviation strategies. And finally, it can be argued that a feminization of poverty is indeed taking place if we have a broader view of poverty that goes beyond incomes into inputs, highlighting not women’s level of poverty, but rather their burden of dealing with it.\textsuperscript{59}

Although challenging cultures in which gender stereotypes are entrenched is a long-term goal that cannot immediately respond to government policies, domestic legislative provisions can be made that can be of help to women in poverty. Such enactments, however, have been very hesitant. ‘The family’ continues to be a private sphere that is beyond state interference and in which calls for equality are depicted as adversative to many cultures and traditions. With the exception of domestic violence, the internal dynamics of the family have often been excluded from poverty alleviation programs. The task of poverty eradication is thus not ‘fixing’ the people vulnerable to poverty, but rather eradicating the structures that crate and depend on poverty.\textsuperscript{60}

One such patriarchal structure that must be restructured is that of social welfare, long ignored as it has the potential of disturbing deeply embedded patriarchal structures. The precarious positions of many women who head their households is, to a large extent, due to social and economic factors and the absence of appropriate social provisions.

\textsuperscript{58} Asian Development Bank (ADB), Policy on Gender and Development (Manila: ADB), Xvi,xvii (2003).
\textsuperscript{59} Cagatay, \textit{Supra} note 5 at 188.
\textsuperscript{60} Brian Murphy, \textit{Thinking in the Active Voice: Macropolicy and the Individual, in Negotiating Poverty: New Directions, Renewed Debate} 32 (Neil Middleton, Phil O’Keefe, Rob Visser, eds., 2001).
Since the state and society do not recognize the unpaid work and economic contributions of women as caretakers, they do not offer any social insurance against broken marriages, furthering women’s dependence on men. Although the association between female headship and poverty might not be perfect, it is a strong call for specific social policy interventions. FHHs are more vulnerable than male-headed households (MHHs) because they suffer higher dependency ratios; lower average earnings among the main earners; fewer assets; and less access to resources, credit, and secure employment.\(^{61}\) Thus, although not all FHHs are poor, and are not always worse off than poor women who reside with their spouses, this research will focus on women who assume the major share of the family’s economic responsibility and thus the major share of the burden of poverty. In Egypt, women, particularly the poor and illiterate, have not been trained to be the main providers for the household, having no experience dealing with the public sphere, lacking the skills and education that would enable them to find gainful employment. Furthermore, they are also constrained in their search for employment by the fact that they also have to serve as child caretakers, eventually settling with low-paid, often exploitative jobs. The analysis that will be undertaken in this research does not merely focus on the feminization of poverty as due to the poor economic conditions of women, but also to the gendered ideology of the welfare state and its bureaucracy, an ideology that violates the rights of these women, and is a subtle indication of attitudes held by society as a whole.

Although the statistics used to confirm that FHHs are the poorest of the poor is critiqued, there is no doubt that women find it more difficult to transform their capabilities into incomes and well-being. This is due to gender inequalities in income distribution, access to productive assets, control over earned income, gender biases in the labor market, and the social exclusion women face in economic and political institutions all factors making women more vulnerable to chronic poverty.\(^{62}\)

The importance of an analysis of the ideologies of the welfare state is a step in addressing the transformatory approaches that are required to eliminate poverty and gender inequalities. By analyzing the gendered nature of the welfare state, an analysis

\(^{61}\) Bibars, \(Supra\) note 3, at 69.

\(^{62}\) Cagatay, \(Supra\) note 5 at 8
will be extended to the meso level, in which the interaction of households and household members with the economic and social institution of the state is studied. Such an analysis acknowledges that the feminization of poverty is not solely due to the deteriorating economic conditions of women, but also to the gendered ideology of the state and its bureaucracy. The state and its bureaucracy are central to development in many ‘third World’ countries, determining economic policies and programs and thus having a pronounced effect on women, as it is such policies that determine the distribution of resources between women and men.63

The next chapter will analyze the social welfare policies of the Egyptian state and their gendered assumptions, which leave many women without the institutional support with which they can support their households and possibly be able to get out of abusive relationships. The chapter will analyze whether the social security policies of the Egyptian state constitute a violation to women’s right to social security and whether it perpetuates the feminization of poverty.

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III. THE RIGHT TO SOCIAL SECURITY AND THE EGYPTIAN WELFARE STATE

Whereas, in chapter 1, I focused on defining poverty, introducing the notion of the feminization of poverty, and of headship, the focus of this chapter will be on the right to social security. Specifically, this chapter will investigate social security as conceptualized in the ICESCR and the ILO. It will also analyze the Egyptian welfare state and its programs, namely the Social Insurance Contributory System and the Social Aid and Assistance non-Contributory system, and touch upon discrimination in the field of social security in Egypt.

According to Article 9 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR)⁶⁴:

The state parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Access to social security was deemed a human right under the 1948 Universal Declaration of Human Rights. According to Article 22 and Article 25.1, respectively:

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Before delving into the right to social security, it is important to make a distinction between social security, social protection, and social assistance. Social protection has

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⁶⁴ The ICESCR was ratified by Egypt in 1982, which made the following declaration:
“... Taking into consideration the provisions of the Islamic Sharia and the fact that they do not conflict with the text annexed to the instrument, we accept, support and ratify it …”
historically been the goal of social security programs, which are seen as a way of promoting social protection.\textsuperscript{65} The latter refers to formal and informal non-statutory income maintenance schemes, in addition to statutory schemes.\textsuperscript{66} The term is based on the realization that income security derives, not only from state arrangements, but also from market and informal arrangements, such as culturally or religiously determined obligations or practices, such as alms giving in Christianity and \textit{zakat} in Islam.\textsuperscript{67} This category also includes cooperative associations or mutual benefit societies, such as funeral, credit, and informal savings societies that provide assistance in cash and kind.\textsuperscript{68} In Egypt, this category may include organizations such as \textit{Al-Jami'yya al-Shari'yya}, an Islamic NGO providing nationwide orphan sponsorship programs, serving as an informal welfare agency.\textsuperscript{69} These are thus informal or “traditional” systems that operate at a local level without state recognition or support.\textsuperscript{70}

Social Security, on the other hand, is a social insurance program that provides cash-assistance to certain groups that meet certain eligibility requirements, aiming to reduce the risks associated with uncertain economic futures.\textsuperscript{71} Social assistance, on the other hand, is a mechanism through which the state provides benefits in cash or kind to those in acute need. The means test is very important here, as only those in “acute need” are serviced in order to provide them with minimum subsistence standards. The entire cost of such provisions is borne by the state, and social assistance is considered a separate device for providing social security benefits for special cases.\textsuperscript{72} The focus of this research is on the statutory, social security system in Egypt, and not on traditional or cultural schemes, as the former are the category that the government administers. As such, the focus will be on the social assistance programs of social security.

In order to get a sense of the significance of the right to social security, it is important to analyze the goals of social security. That is, should social security’s role be

\textsuperscript{65} Rodenberg, \textit{Supra} note 52, at 96.
\textsuperscript{66} JANE MILLAR, UNDERSTANDING SOCIAL SECURITY: ISSUES FOR POLICY AND PRACTICE, 114 (2009).
\textsuperscript{67} \textit{Id.}, at 112.
\textsuperscript{68} JAMES MIDGLEY, SOCIAL WELFARE IN GLOBAL CONTEXT, 73 (1997).
\textsuperscript{69} Bibars, \textit{Supra} note 3, at 107.
\textsuperscript{70} Rodenberg, \textit{Supra} note 52, at 115.
\textsuperscript{72} BIRANCHI NARAYAN MISHRA, DYNAMICS OF SOCIAL SECURITY ADMINISTRATION, 30 (1993).
constricted to that of a “handmaiden to economic growth” or should it serve as a means of promoting social justice? It has been argued that the overarching goal of social security schemes provide a continuous flow of income to individuals in crisis, or who are victims of contingencies, such as sickness, unemployment, pregnancy, or the death of the “breadwinner.” Although similar to insurance, the contributions of social security are provided, not only from the beneficiaries, but also from their employers and the state. Such schemes of income security are dubbed ‘social insurance’ and form a part of social security. In addition, assistance is provided to the sick, to mothers and children, and to other categories of needy persons through schemes dubbed ‘social assistance,’ which form another aspect of social security. Under social assistance, benefits accrue to needy individuals who satisfy a ‘means test’ prescribe by the state, which is funded by general taxation. Social security has thus been described as the security that society provides against certain risks to which its members are exposed. These risks are effectively contingencies that person of “small means cannot provide by his or her own ability or foresight alone or even in private combination with his fellows.”

It is important to note, however, that there is no consensus on whether social assistance is to be considered in the context of article 9 of the ICESCR, instead of article 11 of the covenant. According to Article 11,

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.
2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:
   (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming

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73 Millar, Supra note 64, at 122.
74 Dynamics of social security administration By Biranchi Narayan Mishra, p. 22.
75 Id., at 23.
76 Supra note 60, at 24.
77 Supra note 60, at 24.
agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

The practice of the Committee on Economic and Social Rights (CESCR) on the matter is inconclusive, however. Jennifer Tooze analyzed five sessions of the Committee, and found that only 10, out of the 27 state party reports that were considered in the 20\textsuperscript{th}-25\textsuperscript{th} sessions categorized social assistance under article 9.\textsuperscript{78} The argument against including social assistance in the context of the right to social security is that such exclusion solidifies the content of the right, which can be articulated with a greater focus. The argument for considering social assistance in the context of article 11 of the ICESCR is that by including it in the context of article 9, social security might be “watered down,” the right reduced to a minimal form of social assistance without the state committing any human rights violations for failing to develop a more substantive content to the right. The counterargument, however, is that by separating social security from social assistance, an artificial separation is emphasized, as it is difficult to make a distinction between the two concepts in practice, seeing that benefits often straddle both. In addition, state delegations to the CESCR, which include government experts from the social ministries, engage in dialogue with the committee on all social security issues, the inter-relationship between the two concepts might thus be undermined.\textsuperscript{79} The approach that will be taken in this research, however, is one that supports the broad reading and definition of social security that was deliberately left open to reflect the fact that the provision is comprehensive to include social assistance.

The right to social security exists on three levels; the first, minimal approach, consists of social assistance that is provided to the disadvantaged; the second is social insurance, which is based on contributions and in working relations; and the third, the welfare state, combines the latter two, drawing from workers’ contributions and state

\textsuperscript{78} EIBE RIEDEL, SOCIAL SECURITY AS A HUMAN RIGHT: DRAFTING A GENERAL COMMENT ON ARTICLE 9 ICESCR– SOME CHALLENGES, 24 (2007).
\textsuperscript{79} Id., at 25.
funding, thus extending to everyone in a comprehensive approach.\textsuperscript{80}

It is also important to emphasize that a prominent place must be given to nondiscrimination, as set out in articles 2(2) and 3 of the Covenant. This is as the position of those who are most vulnerable in society, namely the marginalized and disadvantaged, need particular attention in regards to the right to social security. In addition, it is these provisions that set out minimum obligations that even poor countries will have to meet because they impose obligations that are not entirely resource-dependent. This has been precisely set out in General Comment No. 16 on the equal rights of men and women to the enjoyment of all economic, social, and cultural rights. The Comment articulates the fact that unlike article 26 of the International Covenant on Civil and Political Rights (ICCPR), articles 3 and 2(2) of the ICESCR are not stand-alone provisions, but must be read in conjunction with every right guaranteed under part III of the Covenant, one of the latter rights being the right to social security.\textsuperscript{81}

Deemed as a technical domain, social security has often been ignored by human rights activists, the basic issue of establishing the normative content of the right to social security often not addressed in human rights literature.\textsuperscript{82} This chapter sets out to providing a normative approach to the right to social security outlines a contemporary normative content and proposes a minimum content to the right. The second part examines the Egyptian social security system and argues that the Egyptian state violates the right to social security through social welfare programs that work to exclude poor women, especially those who head their households. The approach to social security to be presented here is a human rights approach that departs from the economics of social protection in favor of an approach that is more consistent with human rights standards. As such, this is an approach that also departs from the understanding of poverty that is purely economic and income-centered and that thus proposes an understanding of social

\textsuperscript{82} Core Obligations: Building a Framework for economic, Social and Cultural Rights, p. 89.
protection that is solely economic. A human rights approach, on the other hand, addresses issues related to social security systems, state accountability, and benefits in a world in which wages can no longer be the universal link to social security. Taken from the context of social exclusion, this chapter will then look at clear violations of the right in Egypt.

The concept of social security is thus one according to which the “state shall make itself responsible for ensuring a minimum standard of material welfare to its citizens on a basis of wide enough to cover all the contingencies of life, from the womb to tomb.”

The concept is based on the ideals of human dignity and social justice and is designed to eliminate the five giants of want, disease, ignorance, squalor, and idleness.

There are two approaches to social security, namely those of universalism and occupationalism. The first intends to cover the entire population, and is based on the “welfarist idealism” set forth by the conference of the International Labor Organization at Philadelphia in 1944. This approach aims at covering the entire population against all risks, including poverty, disease, ill health, insanitation, and pollution. As such, the ILO adopted the convention of ‘Minimum Standards of Social Security’ in 1952. However, this scheme has proven to be very expensive, as it undertakes to cover the entire worker population and all industrial risks, and as such, certain states have been able to adopt this approach, but only for specific social security benefits. Denmark, Finland, Norway, and Sweden, for example, provide for old age pensions regardless of their prior contributions or personal circumstances.

The occupationalist approach, on the other hand, is one under which social security covers only those engaged in specific “gainful activities,” this approach often coming down to covering occupational risks arising from the prescribed category of occupations or incidental to them, or risks linked with such occupation. Such an approach is the basis of legislation in any countries, amongst which is Egypt. Under such an approach, a contribution based on wages is made, which is easily calculated, and links the amount of

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84 Cagaty, Supra note 60, at 23.
85 Id., at 24.
86 Cagaty, Supra note 60, at 25.
contribution to certain wage earning occupations.  

The ILO, the dominant actor in social security matters during the 10th century, emphasized that the main goals of social security is to “ensure access to a minimum standard of living and raise living standards,” concentrating on the gradual extension of social security coverage, especially to workers of the informal sector. The concept of ‘decent work’ aims at universal social security coverage that protects living standards, not alleviate poverty when it occurs. The ILO was established as a response to the concern that states had after the First World War ended, namely that peace cannot be achieved without creating the conditions for social justice. Although the Organization’s first generation of conventions pertained to labor conditions, it soon started to adopt conventions that aimed at establishing state commitments in the area of creating and improving national mechanisms that protect workers from industrial and social risks. The latter notion of ‘social risk’ included sickness and medical care, unemployment, old age benefits, worker’s compensation, family and maternity benefits, disability, and survivor’s benefits. The right to social security was developed, however, in the context in which the male industrial worker was the family breadwinner in Europe, and thus the direct beneficiary of this right.

Other organizations, such as the World Bank, have also become prominent advocates in this domain, as it has come to advocate that the aim of social security should be to enable poor groups to manage the financial effects of situations of social risk they face. Such risks include risks of health; lifecycle, including birth, old age, and death; social, including domestic violence, for example; and economic, such as unemployment.

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87 N.H. GUPTA, SOCIAL SECURITY LEGISLATION FOR LABOR IN INDIA, 61 (1986).
88 Id., at 123.
90 International Labor Organization [ILO], Conventions No. 17 and No. 18 on Workmen’s Compensation, adopted in 1925, Conventions No. 24 and No. 25 on Sickness Insurance adopted in 1927, Conventions No. 35 and No. 40 on Old Age, Invalidity and Survivor’s Insurance adopted in 1933, and Convention No.44 on Unemployment Provision, adopted in 1934.
91 Rodenberg, Supra note 52, at 90.
or business failure. The approach of the World Bank, however, is that of “social risk management,” in which social security is seen as a safety net for the “critically poor.” Such an approach does not have in mind a goal for social security to be the promotion of an egalitarian society, with egalitarian income distribution, reflecting the neoliberal preference for individual responsibility rather than collective responsibility that increases social cohesion and equity.

The International Labor Organization (ILO) has established standards that are considered to the most important source in the interpretation and definition of the right to social security. The most significant conventions will be highlighted in order to get a sense of the classical meaning to the right of social security. Convention No. 102 on Social Security (Minimum Standards) was adopted in 1952, and does not provide a clear definition of social security, which can be found, however, from various parts of the convention. In order to ratify the Convention, states must comply, at the time of ratification, with at least three of the following areas: medical care, sickness benefits, unemployment benefits, old age benefits, worker’s compensation, family, disability, maternity, and survivor’s benefits. Each part of the Convention further provides standards with the goal of guaranteeing social protection and a certain level of benefits to the protected classes. The Convention was further enriched by the adoption of social security conventions, such as Convention No. 128 on Invalidity, Old Age and Survivors’ Benefits and Convention No. 130 on Medical Care and Sickness Benefits. It should be noted that the ILO has always tried through its conventions to expand the categories of persons covered to reach the ultimate goal of social security conventions, that is, universal coverage. For example, Convention No. 130 on Medical Care and Sickness Benefits provides that all paid workers, or prescribed categories of the economically active population representing 75 percent of this population, or all residents, subject to a means test, should benefit from sickness benefit insurance.

The assumptions under which Convention No. 102 on Social Security was adopted

95 Id., at 90.
96 Rodenberg, Supra note 52, at 92.
must be emphasized here, which are assumptions that are also shared by previous and subsequent international and regional social security conventions. The first is that social security conventions are “male conventions,” a woman often described as the “wife of.”\textsuperscript{97} Although women may be included in the categories of workers that is used to establish classes of protected persons, the steady reference to the “male industrial worker” for technical reasons, such as the level of benefits results in “leaving the woman at home.”\textsuperscript{98} Second, many states create levels of coverage that evade dealing with issues such as atypical and part-time work, which are often gendered problems.

The goals of Convention No. 102 as an international social security standard must be kept in mind, however, namely that the social security benefits provided in cases of the nine identified social risks aim at insuring one’s right to live a healthy life in decent conditions. Social security’s ability to provide elements of a decent standard of living is a clear advantage over other possible approaches aimed at accomplishing this goal. The structure of Convention No. 102, however, makes it difficult to apply outside an industrial framework. In addition, the fact that the working environment has changed and social exclusion is rampant worldwide, are all factors that make it more useful to think of the Convention as a useful benchmark to describe the core content of the right to social security.\textsuperscript{99}

The technique used in Convention No. 102, and in subsequent social security conventions, is to make the levels of benefits depend on the category being covered. For example, Article 16 provides that when the employees or the economically active population is chosen as a reference the periodic health benefit will cover at least 45 percent of previous earnings if those earnings are not lower than the wages of a skilled male manual worker. These conditions cannot correspond to less than 45 percent of the wages of the ordinary adult male laborer,\textsuperscript{100} a level that increased to 60 percent by

\textsuperscript{97} Rodenberg, \textit{Supra} note 52, at 92.
\textsuperscript{98} \textit{Id.}, at 93.
\textsuperscript{99} Rodenberg, \textit{Supra} note 52, at 94.
\textsuperscript{100} International Labor Organization [ILO], ILO Convention No. 102, Social Security (Minimum Standards) Convention, art. 65, 1952 \texttt{http://www.ilo.org/ilolex/cgi-lex/convde.pl?C102} (last visited April 23, 2011).
Articles 22, 23, and 24 of Convention No. 130 on Medical Care and Sickness Benefits.\textsuperscript{101} Convention No. 102, then, offers a two-tiered answer to what constitutes a social security benefit that guarantees a decent standard, depending on the basis on which coverage of a specific social risk is designed, whether by categories of workers or by all residents. While the latter basis guarantees a benefit level close to a basic income, the former provides a level calculated on average industrial gains, and is thus more flexible. It is crucial to highlight the fact that in both cases, the answer offered by Convention No. 102 is one that considers wages, and not needs, the assumption being that wages reflect the needs of a working family. The reasons behind such an approach are understandable, however. The Convention offers a legal model that aims at avoiding political interference over the definition of appropriateness, the reference to wages seen as a stable commitment that member states can fulfill. A stable and binding approach was thus chosen to fulfill the right to social security as a guarantee against any \textit{ad hoc} re-definitions of the content of the right. It is important to note that social security conventions contain technical benchmarks aimed at guaranteeing the content of the right to social security, preventing states from implementing any policy while presenting it as the implementation of the right.

Although the CESCR has not spent adequate time to elucidate the meaning of the right to social security, which has been explained to be due to the brevity of the article, which is the shortest in the Covenant, and its vague wording.\textsuperscript{102} The universal nature of the right, under the ICESCR, however, avoids the bias towards formal employment of the ILO framework, thus benefitting groups such as the long-term unemployed and women.\textsuperscript{103} The second benefit of the approach to social security as a universal right is the fact that human rights instruments, such as the ICESCR, are ratified by a large number of countries, the latter Covenant ratified by 153 states, for example, compared to 42 ratifications of Convention No. 102 of the ILO although it was adopted in 1952. The pervasiveness of ratification of human rights instruments also means that states can defer

\textsuperscript{101} International Labor Organization [ILO], \textit{Medical Care and Sickness Benefits Convention} \url{http://www.ilo.org/ilolex/cgi-lex/convde.pl?C130} (last visited April 18, 2011).

\textsuperscript{102} Riedel, \textit{Supra} note 76, at 17.

\textsuperscript{103} \textit{Id.}, at 31.
to their international obligations if faced with extreme structural adjustment plans, such as cuts in social security spending, for example. In addition, there is also the benefit of the focus on participation and accountability, which are inherent in the right to social security. This is because according to the practice of the CESCR, participation rights and the provision of individual and collective remedies are key in the realization of economic, social, and cultural rights.104

A major problem that surrounds social security instruments is, however, their potential for social exclusion, as it can leave out many categories of the populace such as female atypical workers or the self-employed, for example. The right to social security, as it is developed by social security instruments, contains an inherent paradox, allowing states to implement forms of exclusion when they are designed to eventually achieve universal coverage.105 The political and social reality is that despite the international consensus on social security as a social right and a human right, there has been little success in providing genuine income security for the poor. Social security programs can be greatly discriminatory against certain groups. Discrimination here is a “process in which personal and socio-economic characteristics operate against the possibility of benefitting equally from the law or from a policy, program, or measure.”106

Discrimination in the case of social security programs is often indirect because conditions of access, although seemingly neutral, operate to exclude certain groups from benefitting from the law or program. In some cases, including Egypt as will be analyzed shortly, the benefits of the social security regime pertain to full-time workers and are subject to the existence of an employer-employee relationship. In such cases, part-time, short time, and female workers are excluded or receive lower benefits. Communications with the UN Human Rights Committee in the 1980s describe cases in which discrimination on the basis of age or gender was criticized as violating the right to equality guaranteed in Article 26 of the International Covenant on Civil and Political Rights (ICCPR). In the cases of P.H. Zwaan-de-vries vs. Netherlands and L.G. Danning...

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104 U.N. Doc. E/C.12/1998/24 General Comment 9, The Domestic Application of the Covenant (Nineteenth session, 1998), according to which “in case of violations, the Committee has indicated to states that it will require them to justify their absence in the domestic legal system.”
105 Riedel, Supra note 52, at 95.
106 Id., at 110.
vs. Netherlands, for example, an unemployment scheme that provides lower benefits to married women than to married men was deemed discriminatory.\textsuperscript{107} Article 2(2) of the ICESCR is of particular relevance here, stating that:

The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

It is clear from the latter article that the right to social security requires refraining from discrimination and a duty to take positive steps. In the aforementioned case of P.H. Zwaan-de-vries vs. Netherlands, the Human Rights Committee decided that unemployment benefit legislation that excluded married women, due to the assumption that their husbands will provide for them, discriminated on the basis of marital status and sex. An analysis of the Egyptian social security system will reveal whether it discriminates against women, and whether such discrimination aggravates the process of the feminization of poverty.

The Egyptian welfare state was developed in the late 1950s and 1960s and aimed at improving living standards, as it envisaged itself as a social and economic agent for change.\textsuperscript{108} As such, the government guaranteed free education, free health services, and employment to men and women in rural and urban areas until the 1980s.\textsuperscript{109} Education was a particularly valued opportunity for women, as it resulted in a job guarantee and a regular, even if small, income. Seeing that the government guaranteed a job to all high school and university graduates, equal opportunities were theoretically given to women. Women were particularly attracted to the government sector, as it provided secure wages,

comfortable working hours, and employment policies that were non-discriminatory.\textsuperscript{110} In the 1970s, the percentage of working women in the government and public sector in relation to the total female labor force was 39.4%, compared to 23.9% to men.\textsuperscript{111}

During the reign of Gamal Abd el-Nasser (1956-1970), public and private sector employees were prohibited from firing pregnant women and employers were required to provide day care centers if they had more than one hundred female employees and the Ministry of Social Affairs maintained low-cost day care centers throughout Egypt.\textsuperscript{112} In addition, according to articles 10 and 11 of the labor law, a female employee has the right to take two years of unpaid leave to look after her child a maximum of three times during her years of employment.\textsuperscript{113} During these absences, the state is to ensure that women receive their full pension after retirement and that she does not face any discrimination in that regard because of her absences during childcare. The law also granted female employees two, daily, fully-paid, half-hour breaks for breastfeeding for the first 18 months after her return to work. In addition, all employees, whether male or female, are covered by the social insurance law if they work in the formal sector.\textsuperscript{114} The role of women became one of “public concern” as the government guaranteed employment to all university and high school graduates, established public and subsidized day-care centers, and introduced women-friendly labor laws, thus providing women with the choice of working.\textsuperscript{115}

Under Sadat, however, economic liberalization affected the demand for women’s labor, reducing women’s employment opportunities. The progressive laws introduced during the 1950s and 1960s were ignored, inequality explicit, for example, in advertisement for male-only jobs in the private sector.\textsuperscript{116} A study carried out in 1995 showed that women were the first employees to be let go during periods of personnel reduction. With increasing privatization and the ensuing exodus of women from the

\textsuperscript{110} Bibars, \textit{Supra} note 3, at 78.
\textsuperscript{111} Heba Nassar, \textit{The Employment Status of Women in Egypt}, 22 (Cairo: Social Research Center, American University in Cairo, 1996).
\textsuperscript{112} Bibars, \textit{Supra} note 3, at 78.
\textsuperscript{113} Madiha El-Safty, Friedrich Ebert Stifung, \textit{The Sociological Profile of Women in Egypt}, 15 (Cairo: Social Research Center, American University in Cairo, 1995).
\textsuperscript{114} \textit{Id.}, at 16.
\textsuperscript{115} Dixon & Hyde, \textit{Supra} note 93, at 233.
\textsuperscript{116} \textit{Id.}, at 234.
formal and state labor market, women turned to the informal and agricultural sectors, characterized by the absence of unions or labor rights, such as fixed working hours, paid leave, or day-care centers.\textsuperscript{117} Although the Egyptian state is committed to “securing the basic modicum of welfare for all its citizens,” its welfare system is not without significant problems.

Two programs of Egypt’s welfare bureaucracy will be examined, namely the Social Insurance Contributory System, which targets full-time workers; and the Social Aid and Assistance non-Contributory System, which targets the non-working poor. It will be examined whether the system is two-tiered, one favoring men while the other exacerbating women’s subordination. Until 2005, the Ministry of Social Insurance was in charge of the social insurance program, which includes old age, disability, and death insurance, work injury and unemployment insurance, while the Ministry of Social Affairs played the leading role in administering social aid programs.\textsuperscript{118} In 2005, however, the Ministry of Social Solidarity (MSS) was established, assuming the roles of the late Ministry of Supplies and the Ministry of Social Affairs, while social insurance became under the domain of the Ministry of Finance. The MSS thus plays the leading role in running all social aid programs, while the Ministry of Finance is in charge of the social insurance program. The welfare system in Egypt is generally inadequate, however, and, in its current structure, is divided into two sets of gendered programs. The first, mainstream, set of programs pertains to the individual, its benefits conditional on active participation in the work force. The secondary set of programs, on the other hand, targets the household, its benefits tied to the lack of adequate household income or the absence on disability of the male breadwinner. Pensions for widows, divorcés, or deserted women, and assistance for the disabled, sick, and completely disabled heads of households fall under this latter set of programs.\textsuperscript{119}

The mainstream contributory system includes the workers’ insurance scheme, unemployment insurance, and the universal social security scheme. The worker’s social

\begin{itemize}
\item \textsuperscript{117} Nadia Farah, Poverty Alleviation with a Focus on Women-Headed Households and Micro-Credit Programs in Egypt, 97 (1997).
\item \textsuperscript{118} Bibars, Supra note 3, at 81.
\item \textsuperscript{119} Id.
\end{itemize}
insurance scheme applies to individuals on the paid workforce, whether the public or private sector. The unemployment insurance scheme provides social insurance to private sector employees covered by the labor law, but excludes those older than 60 years of age and temporary, seasonal, and casual workers; family labor; household workers; civil servants; self-employed persons; and artisans. This scheme is inapplicable to many of the unemployed who have never been employed, but are job seekers, and thus not eligible for this insurance. The Universal Social Security scheme of law 112 covers those who do not benefit from the workers’ insurance scheme, covering temporary and casual workers in agriculture, artisans, small land and property owners, and self employed and domestic servants. The common factor that the latter schemes share is the fact that they target those who engage in full-time paid labor. According to the Gender Gap sub index of labor force participation, 24% of women, as opposed to 79% of men constitute the labor force. It is estimated that 88% of working women in Egypt who are employed in the private sector work in the informal sphere, specifically on activities with low productivity and income. The percentage of women working in the private sector in Egypt has also fallen from 15% to 10% between 1988 and the 1990s, which might have been due to the changes that economic liberalization introduced. The majority of beneficiaries of schemes that target those engaged in the paid labor force are thus men. These beneficiaries are considered to be rights-bearers and customers who have paid for their services. As such, they do not apply for pension, but receive it automatically upon retirement. The heirs of such beneficiaries fill in one application form and produce certain documents to be eligible for the pension. In addition, the government has further simplified the process of collecting pensions, checks transferred to their bank accounts or

120 International Social Security Association, [http://www.issa.int/Observatory/Country-Profiles/Regions/Africa/Egypt/Scheme-Description/(id)/99449](http://www.issa.int/Observatory/Country-Profiles/Regions/Africa/Egypt/Scheme-Description/(id)/99449) (last visited April 9, 2011).
121 Bibars, Supra note 3, at 82.
sent to the post office nearest to their homes, rather than wait in queues.\textsuperscript{125}

On the other hand are the non-contributory programs in which beneficiaries are not treated with the same deference, facing a long process that ensures the exclusion of ineligible individuals. The main safety-net arrangement in this case is the social aid set of programs (\textit{il Daman il Ijtimaii}), issued as law 30 for 1977. This is a non-contributory program that is means-tested and targets families, covering those who are not covered by any other insurance scheme. Beneficiaries include the unemployed and those who do not contribute to the aid and welfare system, such as the elderly, totally handicapped, widows, divorcés, children of divorcés, orphans, and the families of imprisoned persons. Its monthly value is LE 165, benefitting 2 million individuals, to increase to 2.5 million families within the next three years.\textsuperscript{126} The new \textit{il Daman il Ijtimaii} law, introduced in January 2011, decreased the age requirement for never-married women to receive social aid to 45 years, instead of 50 and decreased the age requirement for the elderly to 60 years of age, from 65. In addition, there are tow other welfare schemes, the first known as the ‘winter assistance’ or \textit{Maoonet el Shetaa} and is a “quick remedy […] until the family finishes the procedures for any other type of social aid […] usually distributed during religious and national occasions.” The second scheme is given in cases of death and need for funeral expenses, compensation for loss of life, and natural disasters.\textsuperscript{127}

Another noncontributory scheme is the Sadat pension, established in 1980 as a temporary mechanism to address the needs of the working poor until they are eligible for the pensions of the universal social security scheme. This pension covers widows, orphans, the totally disabled, the elderly, and divorcés to supposedly be phased out once those working in the informal sector were covered by insurance law 112, that is, the universal social security scheme. The Sadat pension offered LE 10 per month in 1980, rose to LE 50 in 1996-97, then to LE 123.6 per family in July 2010, from LE 69.\textsuperscript{128} Such figures become more meaningful when compared to the poverty line, currently set at LE 250 a month, a modest assessment, as it represents just over LE 8 a day, less than

\begin{itemize}
\item \textsuperscript{125} Bibars, \textit{Supra} note 3, at 82.
\item \textsuperscript{126} United Nations Development Program, South-South Learning on Social Protection, \url{http://south-south.ipc-undp.org/africa/item/224-egypt} (last visited April 5, 2011).
\item \textsuperscript{127} Bibars, \textit{Supra} note 3, at 83.
\item \textsuperscript{128} \url{http://www.mof.gov.eg/English/MOFNews/Media/Pages/GhaliLowPensionsReadjustedasofToday.aspx}
\end{itemize}
The beneficiaries of these non-contributory programs are not perceived as rights-bearers, but as beneficiaries of the state’s largesse. A stigma is also associated with applicants to these programs. As one MOSA employee admitted:

_These people are lazy and unwilling to do one day’s honest work. They prefer to be a burden on the state._

As will be analyzed in the coming chapter, the state bureaucracy has established a lengthy and onerous screening process to ensure that recipients are the needy and destitute. These programs also operate on a gendered interpretation of needs and roles. In both sub-systems, for example, divorcées are punished for initiating a divorce; a divorcée who initiates divorce loses eligibility to receive her husband’s pension after his death, but receives it if her husband divorced her. In such a case, the ICESCR’s discrimination clause is applicable, as it states, in article 2(2) that:

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Although the ICESCR does not define discrimination, Article 1 of the Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW) defines “discrimination against women” as:

Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

The positions of the beneficiaries of the two systems, according to Fraser, are affected by

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129 Such a sum is not realistic to support a family, due to the soaring food prices. With the hikes in global commodity prices, it was estimated that 20 percent of all Egyptians could not afford bread. [http://edition.cnn.com/2008/BUSINESS/04/09/egypt.food/](http://edition.cnn.com/2008/BUSINESS/04/09/egypt.food/)

130 Bibars, _Supra_ note 3, at 84.
three elements, two of which apply to the case of Egypt. The first is the judicial element. That is, beneficiaries are accorded or denied rights to these services *vis-à-vis* a legal system. The mainstream social welfare programs are contributory and the participant is treated as a rights-bearer and a customer who has paid for the services. The bureaucratic procedures for acquiring the services are simpler and less demeaning than the secondary welfare programs. The latter programs address recipients differently, however. Financed by the state’s general budget, the benefits are inadequate, providing recipients with sums that are far below what is required to cross the official poverty line. The majority of these beneficiaries are also women who find themselves in a dilemma. Seeing that the state does not offer them accessible and affordable day care centers and job training, they are unable to join the paid labor market and are thus pushed into welfare programs. In addition, as will be further examined in the next chapter, they are posited as mothers and caretakers by the state, which thus interest their needs to be solely maternal.

The second element emphasized by Fraser pertains to administration. That is, in order to receive benefits, applicants must fulfill certain bureaucratic criteria. In the mainstream sub-system, applicants must meet criteria such as reaching the age of 60, becoming invalid, or death and bereavement. In the secondary sub-system, however, the process is infused with patriarchal values, such as proving that they are man-less. In order to analyze the manner in which welfare programs interpret women’s needs in a gendered manner, the size and type of benefits must be studied. The problems of the secondary social aid program pertain to the limited size of benefits and its coverage. Handoussa argues that the social security system and the Sadat pension schemes are both deficient as to the average cash payment per household. The benefits for an average recipient, assuming she has no dependents, would only cover approximately one-quarter of her expenditure level if she were to stay at the poverty line. The monthly assistance programs or the Sadat pension range from LE 83.3 to LE 124, compared to the national poverty

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132 Bibars, *Supra* note 3, at 85.
132 Fraser, *Supra* note 128, at 150.
133 Karima Korayem, Food Subsidy and Social Assistance Programmes in Egypt; Assessment and Policy Options, Crop Poverty Brief, 2011, [http://www.crop.org/viewfile.aspx?id=233](http://www.crop.org/viewfile.aspx?id=233) (last visited April 13,
line, set at LE 250 a month, demonstrated that there is a huge gap between the benefits of social assistance and the minimum required to survive. Since it is assumed that women are a secondary source of income and that families are supported by men, social assistance benefits are considered supplementary, the state, according to Bibars, not providing women with an institutional alternative to the male provider.\textsuperscript{134}

\textsuperscript{134} Bibars, \textit{Supra} note 3, at 85.
IV. THE POLITICS OF EXCLUSION

The hidden assumptions and application requirements of the design of the social welfare programs, which work to exclude poor women, especially those who head their households, will be analyzed in this chapter. Not only do the state’s programs exclude poor women, but the mere inclusion into these programs further stigmatizes women due to the attitudes of government bureaucrats towards the women covered by the programs, further placing these women in a supplicant relationship to the state. The state’s social welfare programs will be shown to be practically dictating a specific form of family and what constitutes “acceptable” female behavior. In addition, the stigma associated with being labeled as a member of a dysfunctional family drives many women to exclude themselves from these programs. Bibars narrates the story of Hind, a divorce, who chose to exclude herself from the state programs because of the fear that officials of the late Ministry of Social Affairs (MOSA)\(^{135}\) will humiliate her in her neighborhood:

*I heard about the MOSA programs but I didn’t apply [...] they are known to be nosy and talk about you in your area. They do not keep your secrets and sometimes gossip about their applicants.* \(^{136}\)

Hind’s comment illustrates that the problem with the social programs is not solely the programs themselves, but also the implementation by bureaucrats that serves to aggravate its shortfalls.

In looking at the manner in which the state excludes certain women from its programs, Martin Greeley’s exclusion dimensions will be used, which differentiate

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\(^{135}\) The Ministry of Social Affairs was dissolved in December of 2005, replaced by the Ministry of Social Solidarity, which assumed the competences of supply and social affairs ministries; while of the Ministry of Finance assumed the responsibility over social insurance affairs. The Presidential decree 422/2005 and the Minister of Finance’s decree 272/2006, amended the Executive Statutes of Law 53/1973 on the state budget to include insurance expenditures and revenues under the state budget. A number of organizations have filed lawsuits pending before the administrative courts, to contest the legitimacy of the decree. Several members of Parliament have raised the issue during the last parliamentary session, accusing the government of lack of transparency and accountability.

\(^{136}\) Bibars, *Supra* note 3, at 89.
between program-driven and self-driven exclusion. Program-driven exclusion can be the result of regulations that hinder access or due to the bureaucracy’s perception of the target group, which can break from the official definitions of the beneficiaries, influencing the manner in which beneficiaries are defined and treated. Self-driven exclusion, on the other hand, results from cases in which the beneficiary decides to exclude himself or herself from a particular service.\(^{137}\)

In the contributory social insurance programs, certain inherent rules along with hidden assumptions of what constitutes a “normal” family operate to exclude certain, “non-traditional” FHHs. One glaring instance of laws that operate to exclude certain FHHs include the social insurance policy Law 79,\(^{138}\) according to which a divorcé is eligible for her deceased husband’s pension if she meets the following criteria:

1- She did not initiate the divorce, which took place against her will
2- She was married to the participant for at least 20 years,
3- She did not remarry since the divorce, and
4- She has no other source of income.

Bibars narrates the story of Khadiga who initiated divorce to escape an abusive relationship learned, after her husband’s death, that she was no longer eligible for his pension. The law thus actively punishes women who initiate divorce proceedings, reinforcing their submission by encouraging them to endure abusive relationships in order to secure a source of income in the future.\(^{139}\)

The assumption that the man is the head of the household also affects the regulation of the father’s pension when received by female children. According to the law, once the daughter is married, it is automatically assumed that she has become the responsibility of her husband and she is no more eligible to receive her father’s pension. Such a law is not only discriminatory for ascribing certain gender roles in the family, but is also unrealistic.


\(^{138}\) Joint NGO submission to the Office of the High Commissioner for Human Rights on the occasion of the seventh session of the Universal Periodic Review 2010, Egypt, A selective submission on compliance with economic and social rights obligations, 7.

\(^{139}\) Bibars, *Supra* note 3, at 91.
Traditionally, Muslim couples get married in two stages, the first being the registration with the ma’zun (sheikh registrar), and the second being the consummation of the marriage. The first step, known as katb el-ketab, could last for an extended period of time due to the economic hardships many couples face, amongst which is the search for an affordable accommodation and then furnishing it. The notion of marriage is thus more complex than it seems. Thus, although many young women register their marriages, they could still be living with their parents and be responsible for themselves. By making them ineligible for their father’s pensions, the law increases the financial burden on the family and the girl.

As to the non-contributory social aid programs, most of the discrimination faced by women is *de facto* rather than *de jure*, resulting from insensitivity to the socio-economic reality of women in Egypt. The very cumbersome application procedures associated with the non-contributory programs are very problematic for women because they are more likely to be illiterate, in Egypt, 64.7% of women are literate, the figure reaching 80.4% in urban areas, versus 53.6% in rural areas.\(^{140}\) Illiterate people have an increased difficulty in navigating the complex procedures of the system and to make their complaints heard. In addition, in order to be eligible for the non-contributory programs, applicants must have official documentation. In Egypt, women must have a state-issued identification card to apply, a difficult and lengthy procedure for poor, often illiterate, women. This is because in order to issue an ID card, the applicant needs a birth certificate, access to two government employees who know the applicant in person and who are willing to vouch for him or her, stamp the application form, and finalize the procedure at a police station.\(^ {141}\) A large number of the women living in slum areas were not born in Cairo, however, and do not have birth certificates, the process of issuing one also very difficult, especially if the woman does not have the time or money to go back to her village of origin and deal with the officials there, given the aforementioned unsympathetic attitude many bureaucrats have towards these women.\(^ {142}\)

\(^{140}\) Center for Economic and Social Rights, [http://www.cesr.org/downloads/egypt%20WEB%20FINAL.pdf](http://www.cesr.org/downloads/egypt%20WEB%20FINAL.pdf)

\(^ {141}\) Bibars, *Supra* note 3, at 92.

The procedures for application are not only lengthy, but also unclear to many of the applicants interviewed by Bibars, some waited long hours to be assisted, while others were discouraged by the time they believed was wasted, and so lost interest in the matter. After applications are collected, they are screened by the head of the unit who dispatches a social worker to the applicant’s home to verify the information submitted. The applicant must prove not only her marital status, but also whether she is indeed poor, by proving that she has no other source of income, does not own property, and that she does not benefit from any other welfare program. In order to prove the latter, applicants must visit the insurance authorities with a letter from the social unit in order to check whether their names are registered on the computer database of the insurance organization. A letter must then be issued from the latter office confirming that the applicant receives no insurance. Bibars recounts that in some instances, the similarity of names or mistakes in data entry would result in faulty letters that attested that they received a pension when they in fact did not. In such cases, employees refused to re-check the information, even if a mistake was clearly made. Bibars relates the case of Hamida, a 64-year-old who never worked in her life was illiterate. Because her husband worked informally on a relative’s land, she was not eligible for any pension, and so decided to apply for social aid. She was astonished to learn that, according to the computer database, she was already receiving a pension of LE 200, indicating that she had a managerial job. Her attempts to explain that she is illiterate were to no avail.

An important aspect that must be dealt with is the attitude of the Egyptian bureaucracy, a unit infamous for its norm of avoidance of responsibility, mindless adherence to formality, and a reluctance to exert more than a minimum effort to execute a task. Bureaucratic culture in Egypt is thus not mass-oriented. An exchange witnessed by Bibars illustrates in the Ministry of Social Affairs the strained relationship between the Egyptian bureaucracy and the masses and the difficulty poor women face in their attempt to obtain their rights:

Ministry of Social Affairs (MOSA) employee I: Why do you want to be insured?

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143 Bibars, Supra note 3, at 95.
144 Article 15 of law 135/2010.
145 Bibars, Supra note 3, at 96.
You will only get LE60 a month, while you are making more money now.

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

**MOSA employee 1:** Why send them to school? Maids like you clean houses and make a lot of money without having to endure school and all that headache.

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

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

**MOSA employee 1:** Don't you dare raise your voice. Never forget who you are. Anyway, we have no application forms today, so come another time.\(^{146}\)

The underlying assumptions of these programs ignore a large percentage of de facto FHHs because they are not perceived as household heads. Many families are thus excluded from coverage based on the belief that the normal family structure is the one headed by a man. According to a Mr. D., a bureaucrat in the social unit interviewed by Bibars:

> This pension is to substitute for the lack of income of the provider of the household, who is the man [...] the woman is the responsibility of the man: this is the law.\(^{147}\)

It is not accounted for that many men choose to not support their households, spending their pension money on “their own whims,” as described by U’m Attiat, who was refused entry into the social aid program because her husband received old-age pension, even though her husband is a “useless drunk,” U’m Attiat remarking that she is “not good enough for the government law [...] I do not deserve their money.”\(^{148}\) The cost of exclusion, whether stemming from the law or from the condescending and humiliating attitude of bureaucrats, are very high, however, as is illustrated by the story of U’m Nagah. She got married at 12 to a man who was 25 and endured his sexual and physical abuse for years, divorce being unheard of in her family. After his death, she applied for the widow pension, but had a traumatic experience.

\(^{146}\) Bibars, *Supra* note 3, at 85.

\(^{147}\) *Id.*, at 97.

\(^{148}\) Bibars, *Supra* note 3, at 96.
The employees made me and the other applicants stand outside for more than an hour while they had their breakfast [...] by the time they let us in, more people had come an the tiny place was full and very noisy. The two female employees started to shout and the man who works in the kitchen started organizing us in a very rude way. That day, I spent hours there, leaving my children with the neighbors. Finally, they gave me a form to fill out. I do not know how to read or write so the man of the kitchen helped me for 50 piasters and told me what documents to bring. By the time I was finished [...] office hours had ended and they asked us to come later. Three days later, I went back and submitted my husband’s death certificate, his identity card, and my identity card to a female employee. She looked at me angrily and told me that I need to submit the children’s birth certificates and a paper from their school stating [...] they were students there. Two days later, I [...] got her all the papers [...] she took them and made me wait for an hour [...] then told me to return after a week. A week later, I went to her office and she [...] said that all applications were sent to the central office to make sure we are not taking any assistance or insurance from any [...] governmental body. For six months I went to and fro, spent money, [and] at the end, found out that my papers were lost and they wanted me to start the whole process again. I promised myself I would never deal with any government office again until the day I die.149

U’m Nagah was then approached by her husband’s friends, who offered her a job in their “gang,” that of beating up people for a fee. She “became a professional,” with people all over the country seeking her services. Before she took the job, however, she insisted that the “gang” beat up the female employee who had humiliated her, which they agreed to do ‘as a gift.’ U’m Nagah stood away as they beat her up, and felt vindicated, vowing that “no one will ever humiliate me the way the government did then [...] I have no regrets.”150

The situation of co-wives is another complicated one, as the husband may chose not to provide for them and their children. Legally bound to her husband, a co-wife is not eligible for any assistance from the state. In order to apply for social aid, a co-wife must present a divorce certificate or proof that her husband deserted her, the latter requiring the filing of a case to declare that she does not know his whereabouts, which is not the case for a co-wife who knows where her husband is but is unable to get her rights or those of her children from him. In addition, divorce is, in many cases, not an option, not only

149 Id., at 138.
150 Bibars, Supra note 3, at 138.
because many women cannot afford a lawyer to file a divorce case, but also due to the stigma of being a divorcee.\textsuperscript{151}

According to the most recent study conducted to document the percentage of FHHs in Egypt, conducted in 2008, 17\% of all Egyptian families are supported solely by women, without any participation from men. Of these women who head their households, around 70\% are illiterate. In addition, of these 17\% FHHs, 77-90\% are headed by widows and divorcees.\textsuperscript{152} It is important to note that the study conducted by the Hisham Mubarak Law Center did not only focus on \textit{de jure} FHHs, that is, households in which the woman is legally the sole breadwinner due to divorce or death of the husband, but also took into account \textit{de facto} FHHs, namely those in which men did not make a financial contribution. The statistics of the Hisham Mubarak Law Center are particularly useful for the purposes of this research, as they cater to the definition of FHH that is used in this research, one that includes women who shore up the responsibility of supporting the household financially. The statistics of the Hisham Mubarak Law Center differ from those of the Central Authority for Population Mobilization and Statistics (CAPMAS) in the fact that the latter’s census information uses a definition of household headship that is gender-biased, including only divorcées, widows, and never-married women; so much so that women in low-income neighborhoods identify their sons as heads of the household to avoid the condescension of the census bureaucrat.\textsuperscript{153} The statistics of the Hisham Mubarak Law Center, however, also encompasses wives of \textit{u’rzu’i} men, co-wives, and other categories that are not considered by the state to constitute FHHs.

The number of women excluded from state statistics to constitute FHHs can be appreciated when the fieldwork that attempts to estimate the number of these women is analyzed. According to the information relayed by Iman Bibars from her fieldwork in low-income areas of Cairo, the percentage of women married to \textit{u’rzu’i} men in ‘The

\textsuperscript{151} Bibars, \textit{Supra} note 3, at 140.
\textsuperscript{152} Report on the State of Economic, Social, and Cultural Rights in 2009 (Hisham Mubarak Law Center), 2009, at p. 51.
For a detailed breakdown of FHHs by province, refer to Table 1.
The percentage of deserted women in ‘The Resettlement’ reaches 26% and 17% in ‘The Ezba,’ a traditional slum area. Such findings, in addition to the statistics provided by the Hisham Mubarak Law Center, according to which 17.3 percent of all households are headed by women in Egypt, 70 percent of which are headed by illiterate women, reflects the increasing burden shouldered by women when there is no real recognition of their contribution and efforts. Such findings should be a cause of alert for policymakers to change the traditional beliefs of household headship, which are at the heart of social welfare policies.

<table>
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<tr>
<th>Governorate</th>
<th>Percentage of FHHs</th>
<th>Percentage of illiterate FHHs</th>
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<td>Urban</td>
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<td>Alexandria</td>
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<td>Al Buhayrah</td>
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<td>Al Gharbiyah</td>
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<td>Al Ismailia</td>
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<td>Al Minufiyah</td>
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<td>Al Minyāh</td>
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<td>Al-Wadi al-Jadid</td>
<td>1.7</td>
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<td>Cairo</td>
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<td>Dakahlia</td>
<td>16.4</td>
<td>18.1</td>
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154 A sub-district in south Cairo, The Shelters is a very poor area that has been neglected by the government since its foundation in the early 1960s. The Egyptian government implements the policy of resettling those who lost their homes, due to natural disasters or demolitions, in temporary housing until it provides them with public housing. In many cases, such shelters become permanent residence areas, ‘The Shelters’ being such a camp that was recognized by the government as a sub-district.
155 Referring here to a low-income Cairo neighborhood, not the governorate.
156 Bibars, *Supra* note 3, at 57.
As illustrated by the statistics provided by the table, the total percentage of FHHs is 17.3%, the percentage slightly higher in urban than in rural areas. Of all the governorates, the highest percentage of FHHs in urban areas is present in Suez, at 27.5%. The urban area with the highest percentage of FHHs is also in Suez at 27.5%, while the highest percentage of FHHs in rural areas is in Sohag, at 25.2%. Of all FHHs, a total of 70% are headed by illiterate women, with 57.6% of all urban FHHs headed by illiterate women, while the percentage of illiterate FHHs in rural areas is a whopping 81.6%.

The marginalization faced by many women can serve to push them towards seeking a livelihood through illegal activities, as was illustrated by the story of U’m Nagah, vindicated and empowered through actions that are deemed illegal by society. Analyzing the problems of the social aid program brings to the fore issues of inequality and discrimination, suggesting that poverty involves, not only material poverty, but a host of complex societal issues and others that are political, concerning the political will on part of governments to act to fulfill their obligations to provide everyone with social security and protection. Poverty goes beyond economic needs, its analysis requiring an investigation of the exclusion and discrimination faced by the poor in the various areas of
their lives, such as the social, economic, political, or cultural. There are many steps that a state like Egypt can take in order to ameliorate the state of its social protection mechanism. According to General Comment No. 9,¹⁵⁷ adopted by the Committee on Economic, Social, and Cultural Rights (CESCR), and in view of the right to be protected from discrimination, states will:

- Create an advisory body whose mandate is to identify direct and indirect discriminatory effects of the social security system and to suggest ways of implementing more inclusive patterns;
- Guarantee that human rights codes will apply to all dimensions of the social security system. The right to benefit equally from social security will include protection from discrimination based on the source of income.

It is apparent that the state is not aware of the sexist and discriminatory assumptions of its policies and the discriminatory effects that they produce. In a 2007 project undertaken by the ministry of Social Solidarity in order to identify the ‘poorest of the poor’ who are eligible for social protection, the complete absence of a gendered perspective is shocking. The project, which focuses on the governorates of Asyūṭ and Al-Sharkiya, the statistics conducted in order to estimate the number of poor households only considers male-headed households. In the entire study, one reference was made to FHHs in Al-Sharkiya, and it is noticeable that the phrase female-headed household is used, a departure from the insistence to dub FHHs ‘woman-maintained household.’¹⁵⁸ No definition of what a female-headed household is for the purposes of the study is provided, the report stating that 14.2% of households are headed by women in the urban areas of Al-Sharkiya, but women financially support 10.6% of those families, while ‘family members’ contribute to support 20% of families.¹⁵⁹ However, women support 70.4% of families in which the rest of the family members have no source of income.

The information provided is not only confusing, at once stating that 14.2% of

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¹⁵⁸ Bibars, Supra note 3, at 46.  
families are solely supported by women and at another that a whopping 70.4% are supported by women, but there is also no definition of “urban” or how the Ministry arrived at such statistics. It is interesting to note that the conclusion provided by the study is that the Ministry of Social Solidarity should, in dealing with families headed by unemployed persons or by persons who have an insufficient income, is to strive to provide them with “programs of social and human development” to household heads who are “young,” provide training and employment opportunities to the unemployed in households to headed by a “young” person, and provide technical and financial support to families that can start a business in their homes. The final recommendations do not include an increase in the amount of social aid to be received or an alteration in the law that is sensitive to the gendered nature of poverty.

In analyzing whether violations of the right to social security take place in Egypt, the standards of the rights-based approach will be used. Such an approach identifies five core elements, or the content, of the right to social security:

1. Comprehensiveness: Comprehensive coverage against all circumstances that threaten one’s ability to earn an income, and thus to enjoy an adequate standard of living,
2. Universality: everyone in need of social security should have access to it.
3. Adequacy and appropriateness: different social security schemes should provide adequate and appropriate benefits that guarantee that the beneficiary does not fall below the poverty line. This element is reiterated in the CESCR’s General Comment No. 19, which stipulates that benefits “must be adequate […] in order that everyone may realize his or her right to […] an adequate standard of living.”
4. Non-discrimination: Programs should not discriminate on grounds of race, sex, gender, sexual orientation, religion, political opinion, national or social origin, birth or socio-economic status. This element is also reiterated in the CESCR’s General Comment No. 19, according to which “all persons should

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160 Id., at 82.
be covered by the social security system especially individuals belonging to the most disadvantaged and marginalized groups without discrimination on any of the grounds prohibited under Article 2, paragraph 2 of the ICESCR [...] in order to ensure universal coverage, non-contributory schemes are necessary.”162

5. Respect for procedural rights: reasonable and fair rules must be in place that govern eligibility for social security programs and provide effective legal remedies.

In addition, according to the Maastricht Guidelines, a violation of economic, social and cultural rights occurs when a “state pursues, by action or omission, a policy or practice which deliberately contravenes or ignores obligations of the Covenant, or fails to achieve the required standard of conduct or result. Furthermore, any discrimination on grounds of race, color, sex, language, religion [...] property, birth or other status with the purpose or effect of nullifying or impairing the equal enjoyment or exercise of economic, social and cultural rights constitutes a violation of the Covenant.”163 In assessing the Egyptian non-contributory schemes, it becomes clear that a clear violation of social rights is at hand. Although the social security and welfare programs are seemingly universal, many hindrances exist to achieving truly universal coverage. The exclusion of women who initiate divorce proceedings from receiving their ex-husbands’ pensions, the exclusion of women who are married or who are co-wives regardless of whether their husbands support them financially, the exclusion of women who are the heads of their households. For those women who receive social aid, such as widows or divorcés, the sum provided is a meager 123.6 LE per family, when the national poverty line is set at 250 LE per person per month; the social aid provided thus cannot provide recipients with an adequate standard of living. One useful experience is that of China, which applies a “national food poverty line,” the average cost in different provinces for those among the poorest 20% of the population to buy food in order to provide the minimum necessary average of 2,100

162 Id., at para. 23.
calories per person per day.\textsuperscript{164}

Is it possible to expect a developing state like Egypt, though, to provide universal social security coverage that also ensures an adequate standard of living? What is it expected to do for those who are not covered at all? The difficulty of identifying a clear minimum core for economic, social, and cultural rights was a key factor in the decision of the South African Constitutional Court, a vanguard in many areas of constitutional rights, to not endorse the concept as part of its interpretation of constitutional socio-economic rights. The concept of the “minimum core” has inspired much debate, one argument for its usage being that it aids in the justiciability of economic, social, and cultural (ESC) rights. That is, the minimum core points to the content of the state’s negative obligation to respect rights, which, unlike the positive obligations, might not call for a “progressive realization inquiry.”\textsuperscript{165} In addition, the concept can reverse the onus of proof in socioeconomic claims, as once claimants have proven that the minimum core is not protected, it is the state’s role, not the applicant’s, to prove that it has taken “reasonable legislative and other measures within its available resources, to achieve the progressive realization of the right” or show that limitations are “reasonable and justifiable.”\textsuperscript{166} A counterargument, however, is that the concept of the minimum core will only compound the problems of justiciability, disrupting the separation of powers between courts, legislatures, and government because it offers a substantively defined minimum content to ESC rights. This argument thus rests on the concern that judges, who are incompetent to decide on socioeconomic policies, will be given the power to adjudicate on the meaning and content of ESC rights, thus assuming great power over setting socioeconomic policies. A substantively defined minimum core or one that is indeterminate both bestow too much power on judges in reviewing policies they are not competent to be reviewing in the first place.\textsuperscript{167}

\textsuperscript{166} Sandra Liebenberg, The Value of Human Dignity in Interpreting Socio-Economic Rights, 21 S. AFR. J. HUM. RTS. 1, 26 (2005).
\textsuperscript{167} Bibars, Supra note 3, at 161.
Should the CESCR accept the principle of “all for some” but not “some for all” in recognition of the limited resources of states? Or is there a minimum obligation to provide some form of assistance for all?

According to the CESCR,

*The Committee is of the view that a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights is incumbent upon every State party. Thus, for example, a State party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care [...] or of the most basic forms of education is, prima facie, failing to discharge its obligations under the Covenant.*

Although these obligations are tempered by the availability of resources, the state party to the ICESCR must also prove that that is genuinely the case. The CESCR thus states that:

*By the same token, it must be noted that any assessment as to whether a State has discharged its minimum core obligation must also take account of resource constraints applying within the country concerned. Article 2 (1) obligates each State party to take the necessary steps "to the maximum of its available resources". In order for a State party to be able to attribute its failure to meet at least its minimum core obligations to a lack of available resources it must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a matter of priority, those minimum obligations.*

A definitive answer to the latter questions does not exist, although there are examples from developing countries that can shed light on the issue. In India, for example, a grain ration system was introduced, although there are some challenges in its administration, demonstrated by the hunger-related suicides of two women in the rural areas. Rather than debating the issue of the minimum core, and transcending into the murky territory of demarcating different rights and obligations as “core: and “non-core,” the courts and the CESCR are better suited to supervise and enforce the positive obligations attached to economic and social rights by using indicators and benchmarks and the negative


\[169\] Id., at para. 10.

\[170\] Riedel, *Supra* note 60, at 41.
obligations by an assessment of state responsibility and causality. Indicators refer to a set of statistics that indicate phenomena that are not directly measurable and may be based on quantitative or qualitative information; while benchmarks are goals that are set according to the different situations of each country, also referred to as “minimum thresholds.” They thus do not rank rights, but prioritize different targets for an evolving rights protection to meet. An example of this type of analysis is undertaken in General Comment No. 7 on forced evictions by the CESCR, in which the Committee, rather than trying to locate the minimum core of the right to adequate housing, the latter focused on forced evictions as a violation of the right to adequate housing as a clear benchmark of the right. It then proceeded to an analysis of state responsibility with respect to the right, including the obligation to refrain from forced evictions, including the employment of adequate legislation to provide security of tenure to individuals who occupy houses and land, ensure that no form of discrimination takes place when evictions occur, among other responsibilities. The substance of both negative and positive obligations is arrived at through an interpretation of rights, not cores.

The idea of a nonderogable minimum core that trumps all considerations, presented as the concept’s greatest contribution, as it guarantees minimal material protections, can also be its weakest feature. That is, rather than constructing a “false barrier of incommensurability,” the cost considerations involved in all rights must be emphasized instead. The reason behind the latter alternative focus is that, in practice, courts would no opt for a “minimum core” but for formulas of balancing and proportionality to justify limitations. Such a practice does not occur at the level of rights, but rather at the level of balancing, which allows for utilitarian considerations. A prominent example is that of the South African Soobramoney case, in which Mr. Soobramoney, a forty-one-year-old man suffering from chronic renal failure, diabetes, and other conditions did not qualify for kidney transplant or for renal dialysis from the public hospital. He claimed that his constitutional right to health required that the state provide him with dialysis. The court,

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171 Bibars, Supra note 3, at 162.  
173 Bibars, Supra note 3, at 162.  
174 Thiagraj Soobramoney v. Minister of Health (KwaZulu Natal) CCT 32/97 (27 November 1997).
however, found that the great cost of dialysis was not a reasonable burden for the state to bear. The decision was not based on a belief that his interest was at the periphery of his right to health, but made on the basis of the general welfare.\textsuperscript{175} It is in this sense that courts can be seen as equipped to handle socioeconomic claims as they will be engaged in a balancing exercise that is not arbitrary, but subject to its own discipline, an approach that can protect the substance of rights better than “building a firewall ex ante.”\textsuperscript{176}

V. CONCLUSION:

Largely ignored for being a “too technical” arena, this research has demonstrated that the right to social security needs much more legal, political, social, and economic


\textsuperscript{176} ROBERT ALEXY, \textsc{A Theory of Constitutional Rights} 110 (2002).
analysis. This is because an analysis of the right to social security brings to the front issues of human rights abuse related to varied themes such as the right to be free from discrimination, to an adequate standard of living, to work, among others. An analysis of the right further brings to the fore issues of discrimination against women that is, to a large extent, based on greatly complex societal beliefs and gender relations that must be analyzed and studied if a more equitable situation is to emerge. The role of the state in fulfilling the right to social security, although apparent, as only the state can provide social security and assistance, is also complex. Given that many developing states have argued that they cannot provide adequate social security due to resource constraints, it is important to analyze whether the best approach towards such an argument is one based on claiming that a state must fulfill the “minimum core” of the right to social security, and if so, what that “core” could be for a state like Egypt. A communal debate must take place if such is the strategy to be pursued. It has been argued, in this research, that a more efficient strategy is to establish indicators and benchmarks for the right. Courts can then be involved in a balancing exercise to determine if one’s right to social security has been infringed, and if so, if such an infringement can be deemed justifiable by a court.

A lot can be done to ameliorate the situation of women in Egypt by amending social security laws that pertain to non-contributory programs. One amendment can target the law according to which social aid is immediately cut off when a woman is married, under the assumption that, once married, women become the responsibility of their husbands, who will, without a doubt, support them financially. In addition, divorced women who move back to their parents’ home are denied social insurance, the assumption being that their parents will provide for their expenses. As was previously shown, such a belief is far from the reality lived by many women, who find themselves married to men who are unwilling to work or who choose to spend their incomes on fulfilling their own needs. Simplifying the bureaucratic procedures involved in applying for social aid is another suggestion, as the arduous process involved keeps many women who are in need of social assistance from doing so. The state must also train its bureaucrats on how to deal with

applicants humanely. Given that they mostly deal with the poor, many bureaucrats, as was demonstrated previously, deal with them in a very degrading manner. According to the CESCR’s General Comment 16, the obligation to fulfill requires states, among other responsibilities, to “conduct awareness-raising and training programs on equality for workers involved in the realization of economic, social and cultural rights at the grassroots level” and to “conduct human rights education and training programs for judges and public officials.” Social attitudes, especially those of bureaucrats need to be altered to avoid unintended consequences of the application of social security laws.

Keeping in mind the complexity of Article 2 of the ICESCR, in order for it to serve as a human rights tool with the goal of guaranteeing human dignity, the Egyptian social security system should at least meet the aforementioned five core elements of comprehensiveness, universality, adequacy and appropriateness, non-discrimination, and respect for procedural right. If not, the absence of such characteristics should be described as violation of the right to social security. In addition to making changes in the law that attentive to the Egyptian cultural setting, as aforementioned, measures must also be taken to rectify the attitudes of bureaucrats that aggravates the situation for many applicants. In its first substantive General Comment concerning a group vulnerable to discrimination, the Committee on Economic, Social and Cultural Rights has underlined the influence of the explicitly affirmative character of the Covenant:

The obligation of States parties to the Covenant to promote progressive realization of the relevant rights to the maximum of their available resources clearly requires Governments to do much more than merely abstain from taking measures which might have a negative impact on persons with disabilities. The obligation in the case of such a vulnerable and disadvantaged group is to take positive action to reduce structural disadvantages and to give appropriate preferential treatment […] in order to achieve the objectives of full participation and equality within society for all persons with disabilities. This almost invariably means that additional resources will need to be made available for this purpose and that a wide range of specially tailored measures will be required.179

It has been demonstrated that women are over-represented in all disadvantaged groups as they relate to social security, such as those relying on pensions, unemployment benefits, and survivor’s pensions. Ensuring coverage for the excluded thus translates to protection of women’s rights, and the discussion in the above sections becomes immediately relevant. The law is only the “tip of the social iceberg,”\textsuperscript{180} its effectiveness depending on complex social relations just as much as it depends on the formal provisions of the law itself, both of which need to be worked on in Egypt. Social security has a role to play in alleviating poverty and to improve the living conditions of many women who are left to fend off for themselves, and sometimes their children, without institutional support. It is, in this sense, that human rights can go a long way to alleviating poverty.

\textsuperscript{180}Daniel Chong, \textit{Five Challenges to Legalizing Economic and Social Rights}, 10 HUM. RIGHTS. REV, 183, 201 (2009).