Non-Humanitarian Social Protection in Egypt, Jordan and Tunisia

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Abstract: The social protection landscape in the Middle East and North Africa region is diverse, ranging from free to subsidised health care, informal to formal, and non-contributory to contributory schemes, in addition to the historic subsidies on food. This paper maps this landscape, delimiting the review on social assistance and social insurance institutions, programmes and legal frameworks in non-humanitarian settings of Egypt, Jordan, and Tunisia, and explores the extent to which these are applicable to and accessible by migrants and displaced people, where relevant. At the least, the analysis shows that: institutions providing social assistance and social insurance can be classified into state and non-state; the states' bilateral social security agreements between countries can be the 'gold standard' for extending social protection to migrant workers; and non-state institutions can be key for undocumented migrants because most of these migrants have strong social networks that help them to belong to such institutions.

Key words: social protection; MENA region; non-humanitarian settings; migrants. Egypt; Jordan; Tunisia.

Introduction

The social protection landscape in the Middle East and North Africa (MENA) region is diverse, ranging from free to subsidised health care, informal to formal, and non-contributory to contributory schemes, in addition to the historic subsidies on food. This recent diversity has neutralised the high proportion of social spending that had been traditionally associated with both food and fuel subsidies in countries such as Egypt, Jordan and Tunisia (International Monetary Fund [IMF] 2014). Whereas both non-contributory and contributory forms of social protection existed in the 1980s and/or before, the events of 2010-2011, dubbed the Arab uprisings, buoyed non-contributory social protection programmes as a form of policy interventions in the region (Jawad 2017). However, coverage of both programmes are still low (International Labour Organisation [ILO] 2017).

Across MENA region, the escalation of political crisis since the Arab springs has generated a surge in refugees and internally displaced persons (IDPs), who tend to lose their economic and social assets and thus become vulnerable populations. Humanitarian assistance provided to these populations has been protracted, stretching for several years. There is little evidence on the incorporation of these vulnerable populations into nationally financed non-humanitarian social protection systems by governments within the region. If anything, ideas that an influx of such populations create additional strains for host communities in relation to social protection, employment creation and food security loom (Lorenzon 2016). There is therefore need to explore forms of support beyond humanitarian assistance in the region. This paper focuses on that by mapping and reviewing social assistance and social insurance in non-humanitarian settings of Egypt, Jordan, and Tunisia and exploring the extent to which these are applicable to and accessible by migrants and IDPs, where relevant.

Egypt is the most populous country and a major migration player in the MENA region, with at least seven million emigrants within the region and three million in Europe, North

America and Australia (CAPMAS 2019; Tsourapas 2018). In 2020, more than 320,000 refugees and asylum seekers were registered in the country.[1] Jordan has a large influx of refugees from nearby countries. As at 2019, Jordan hosted over 690,000 refuges, particularly from Syria.[2] Tunisia had the smallest number of refugees and asylum seekers, which did not exceed 3,500 as at 2020.[3]

Institutions of Social Protection

There are several organisations that are long established and respected in the provision of social protection. In the public sector, ministries of labour and social welfare/development are typically associated with social protection. Institutions such as Zakat house are also entrenched in their societies and are therefore well respected as providers of social protection (Jawad 2017). This section discusses such institutions of social assistance and social insurance in Egypt, Jordan and Tunisia. It starts with states' institution and ends by considering non-states' institutions, which could be for-profit and not-for-profit organisations, including kin- or community-based initiatives.

State institutions providing social assistance and social insurance

In Egypt, the Ministry of Social Solidarity (MOSS) is responsible for the implementation of social assistance and social insurance, as well as other social affairs programmes such as aid to those affected by droughts and families of martyrs and civilian casualties.[4] The Ministerial Committee for Social Justice (under the Prime Minister) is part of the national committee or inter-ministerial coordination of social protection in the country. There is relatively high centralisation of decision making on the social assistance programmes and the local government has a low discretion to select beneficiaries of the social assistance programmes.

[1] https://reporting.unhcr.org/egypt (accessed on 6 December 2020).
[2] https://reporting.unhcr.org/jordan (accessed on 6 December 2020).
[3] https://reporting.unhcr.org/tunisia (accessed on 6 December 2020).
[4] https://www.moss.gov.eg/ar-eg/Pages/social-protection.aspx accessed 19 November 2020.

The Takaful and Karama social assistance programme makes provision to access social workers whereas the MOSS Social Solidarity Pension does not. Egypt has a single agency in charge of poverty reduction, responsible for managing social protection programmes, and coordinating government efforts.

The Ministry of Social Development houses the social protection sector in Jordan and the Ministry of Labour houses the Social Security Corporation.[5] The Corporation is a national institution that implements a cooperative insurance model based on partnership with other relevant institutions, with a vision of an inclusive social security that contributes to overall development of Jordan in a sustainable manner. The social protection sector manages the National Aid Funds (NAF) that aims to protect and support needy individuals and families through financial assistance, vocational training in relevant training institutions, providing employment and production opportunities, and linking programme beneficiaries to the health insurance schemes. Two social assistance programmes are flagged from the other programmes implemented through the NAF and these are the Handicapped Care Cash Assistance and the Cash Assistance. In both these programmes, local government can modify or complement programme design and implementation and the discretion of local government to select beneficiaries and/or set transfer values for different households is high. In addition, both programmes provide access to a social worker.

The Ministry of Social Affairs is responsible for the implementation of the social policy in Tunisia, which is aimed at achieving balanced social development, supporting social welfare by contributing to the values of work and self-reliance in the fields of employment, and promoting vulnerable groups with special needs and the Tunisian community abroad among

[5] https://portal.jordan.gov.jo/wps/portal/Home/GovernmentEntities/Ministries accessed 19 November 2020.

others.[6] The ministry particularly implements a National Program of Assistance to Needy Families, while local government has a moderate discretion to select beneficiaries and/or set transfer values for different households. The programme has an intermediation component that allows for beneficiaries to have access to a social worker. The government manages the social security system through two funds: the National Social Security Fund for the private sector and the National Pensions and Contingency Fund for the civil servants (Gelb and Marouani 2020).

Non-state for-profit institutions providing social assistance and social insurance

Institutions in the private sector play a significant role in the provision of social insurance. As indicated by ILO (2017-19), private institutions can largely substitute for elements of publicly provided social protection. For instance, unlike in Jordan and Tunisia, contributions for the nine classical risks are also collected and administered by the private social insurance fund in Egypt.[7] While access to social security, including the contributions towards the nine classical risks, is basically the responsibility of the state, its delivery can be and often is mandated to private entities. Egypt is one example where the private sector has a significant role in the administration of social security.

Non-state not-for-profit institutions providing social assistance and social insurance

There are a variety of not-for-profit institutions that are involved in the provision of social assistance and social insurance, and they all function independently from governments. If these institutions are organised at community, national and international level, they typically become community-based organisations (CBOs), local non-governmental organisations (NGOs), and international NGOs respectively. The CBOs generally depend on contributions from their members whereas most of the NGOs can be said to offer non-contributory social protection because their interventions are designed to assist those who are not able to help themselves. In

[6] https://www.devex.com/organizations/ministry-of-social-affairs-tunisia-124259 accessed 19 November 2020. Accessed 19 November 2020.

[7] https://ww1.issa.int/node/195543?country=845 accessed 21 December 2020.

the MENA region, there is a dominance of faith-based charities that are run by Islamist organizations such as the Muslim Brotherhood (Karshenas et al 2014).

Egypt, Jordan and Tunisia have several NGOs and INGOs operating in the field of food and relief, and provide case management to migrants, refugees, and asylum seekers.[8] Most NGOs that in the field of relief are mostly involved in humanitarian work, including assisting refugees whereas those in the food sector are mostly involved in agriculture, food security, nutrition and hunger.

A well-known faith-based charity in the MENA region is *Zakat*, a form of religious-based assistance considered an Islamic obligation that requires every Muslim whose wealth exceeds a predetermined threshold to donate 2.5% of their assets a year (Roth et al 2017). There are variations of *Zakat*, where in some instances it operates under private charity donations and in other instances as funds collected and distributed by mosques or funds administered by a government ministry. In Jordan for instance, *Zakat* is administered by the Ministry of *Awaqf* Islamic Affairs and Holy Places, which receives private donations that are distributed to the extreme poor, including non-Jordanians, through local voluntary *Zakat* Committees (see Zureiqat and Shama 2015, p.32). Typically, the assistance offered through *Zakat* institutions is administered based on religious ground and not on migration status.

Although there are no official statistics, Jawal (2017) posits that religious-based institutions are the most significant source of social protection for tens of thousands of vulnerable populations in the MENA region. These institutions are also linked to larger networks of hospitals such that aiding access to health care is a part of their services for the poor. Their existence for decades presupposes that societies find these institutions helpful.

[8] https://arab.org/countries/ accessed on 25 October 2020.

In Egypt, CBOs in form of *gam'yyát* – local rotating savings and credit associations (ROSCAs) – are famous for their ability to commit members to save and/or get interest-free credit (Adly 2020). Whereas the original version of such associations is that all contributions from other members go to one member in a given month, and to another in the following month until the round is complete, some variations exist which permit occasional borrowing from the accumulating savings. Such variations assist members to smooth income and/or mitigate idiosyncratic shocks. A study conducted in rural Egypt by Mohieldin and Wright (2000) found that most interest-free credit takes place among friends and relatives. The study also found that poor people had more appetite to depend on loans from CBOs to smooth income than from conventional financial institutions. Non-citizens can create their own CBOs of this nature in order to smooth income, in the absence of formal social protection mechanisms. For instance, the Syrian community has community-based health centres in Greater Cairo that help members to access health care.

Social Protection Programmes

Social protection programmes can be classified into non-contributory and contributory programmes. The former needs further explanation because some programmes falling under this category can further be classified into humanitarian or non-humanitarian programmes. Normatively, the distinction between the humanitarian and non-humanitarian can be made based on the fact that the former is short-term and emergency-like in nature, responding to misfortunes resulting from natural hazards, armed conflict or other causes (see IOM 2019, p.95). Non-humanitarian assistance in turn would include long-term programmes that are embedded into national/sub-national institutions of social protection that offer predictable cash and food transfers as well as other forms of support such as rehabilitation and labour market integration.

In reality, it becomes a bit difficult to separate the two based on timescale because in situations where misfortune and crisis is protracted, humanitarian assistance becomes long-term, regular and predictable. Thus, humanitarian assistance takes on some of the characteristics that are typically ascribed to social protection. In this sense, the distinction between humanitarian and non-humanitarian interventions can therefore be blurred. Nonetheless, this paper limits itself to non-humanitarian social protection programmes, which are typically run by national institutions of the state, and to some limited extent, non-state agencies. This way, the paper is biased towards programmes that are directly run by the government as an executing partner. The intention of this section is therefore not to cover the humanitarian programmes administered by NGOs and international institutions.

Social assistance

Following UNDP's (2019) delimitation of social assistance programmes to include only the state-run cash transfers (both unconditional and conditional, and non-emergency cash transfers), food transfers (but not emergency food aid) and public works projects, this section analyses the availability of social assistance programmes in Egypt, Jordan and Tunisia. Table 1 below gives an overview of these programmes based on the life course. All programmes considered in this section are not available and/or not accessible by migrants.

Table 1: Social Assistance based on Life Course

	Children	Youth	Adult	Old person	Persons with disability	Other
Egypt	✓	×	×	✓	✓	×
Jordan	×	×	×	✓	✓	✓
Tunisia	✓	×	×	✓	✓	×

Source: Authors using UNDP State of Social Assistance Database, University of Manchester Database and Social Security Programs Throughout the World (2018).

In Egypt, there are two social assistance programmes that can be flagged. These are the MOSS Social Pension and the Takaful and Karama. The social pension started in 1980. It has an objective of providing financial support and insurance for the working poor who have not been included in or covered by any of the previous schemes against old age, death and disability risks. The pension also covers individuals aged 65 or above who have no other pensions and are considered as inheritors for deceased persons before 1980.

The social pension is an unconditional cash transfer that mainly targets the elderly using demographic (or pension-tested) targeting, although it seems at some point in time it also aimed to cover households that do not have able-bodied persons. Thus, the programme considered other vulnerable people without a pension, such as children and persons with disability. As at 2018, the number of households reached by the programme was 1,600,000 receiving EGP300 translating to US$38.00 or PPP$142.00. The transfer amount received by a household varies though, depending on the eligibility of participants. A single-recipient household receives EGP240 whereas a household with two and three recipients would receive EGP275 and EGP300 respectively. The direct recipient of the monthly cash transfer can be the pensioner or the household head. There are no appeals against the selection decision and the community is not involved in checking compliance between beneficiaries.

The social pension programme is implemented as part of a national poverty reduction strategy and as at 2015, the budget assigned to the programme was EGP 8,875 billion (translating to 3,361 billion PPP$). In 2018, the social pension programme's total cost as a percentage of GDP was 0,275 and it is financed from domestic resources, without any donor financial assistance. Thus, the social pension is tax-financed from the general government's revenue.

The second social assistance programme in Egypt is a fairly recent Takaful and Karama, which started in 2015. Takaful aims to promote children's human development through conditional cash transfers. Karama aims to promote social inclusion among elderly people and people with disabilities, through unconditional cash transfers. The main conditions for the Takaful programme is that school-aged children must be enrolled and attend school, all children in the household must be immunised and must fulfil specific nutritional requirements.

The programme uses a mixed targeting approach to identify participants. That is, it combines the proxy means test, geographic targeting, and self-targeting. In 2015, the programme reached a total of 165,707 households with a transfer of at least EGP 325 (translating to 134 PPP$) in the Takaful part of the programme and at least EGP 350 (translating to 144 PPP$) in the Karama part of the programme. The payments are done through bank transfers and the payment intervals are such that they are monthly for the Takaful and bimonthly for the Karama. The programme allows for a maximum of three participants per household, and that determines the maximum cash transfer that may be received by the household. Appeals against the selection decision are permitted by the programme.

Just like the MOSS social pension programme, the Takaful and Karama programme is implemented as part of a national poverty reduction strategy. The executed expenditure in the programme in 2015 totalled EGP 508 million (translating to 210 PPP$). This programme is funded from both domestic sources and donor funding. The source of the domestic funding is the government revenue collected through taxes.

In Jordan, there are two programmes that fit the delimited definition of social assistance in this report, and these are the Handicapped Care Cash Assistance and the Cash Assistance. The Handicapped Care Cash Assistance programme started in 1986. The programme aims to support poor families with children with disability through a minimum cash transfer of 20 Jordanian dinar (translating to 62 PPP$). The maximum cash transfer in this programme is 80 Jordanian dinar (translating to 249 PPP$). The participants of the programme are identified through a mixed targeting approach, which combines income testing, means testing, demographic targeting and an asset test. In 2013, the programme had 16,780 individual participants, who could be nationals or permanent residents (migrants). A medical diagnosis of the disabled children is required as a prerequisite to register the child for participation and severe mental retardation, cerebral palsy, multiple disabilities, motor disability, mental and psychological illness, and blindness are among the challenges listed to qualify to receive the cash transfer. The household head receives the monthly cash payment on behalf of the child with a disability through a bank transfer.

The Handicapped Care Cash Assistance requires recertification of eligibility at a fixed period of time to guarantee the continuation of the cash transfers. There are also conditions that must be met to remain in the programme. These include that the children be enrolled and attend school, regularly go for health check-ups, be immunized and adhere to all nutritional activities. Sanctions for non-compliance with programme conditions are specified to the participants by the programme agency. There is community accountability to all the decisions taken by the agency. In addition, the programme includes an appeal protocol against selection decisions.

Just like the Handicapped Care Cash Assistance, the Cash Assistance programme in Jordan also started in 1986 with an objective of alleviating poverty. The programmes target Jordanian individuals or families with income beneath the poverty line and with limited assets, or older persons, widows, divorcees, orphans, families with disabled members, or families of prisoners. The targeting approach used is mixed, combining the income test, means test, asset test and demographic targeting (i.e., gender). In 2015, the programme covered 430,329 individuals with a minimum cash transfer of 40 Jordanian dinar (translating to 124 PPP$) every month that is collected by the household head from the bank. To continue receiving cash transfers, recertification must be done and school-going children must be enrolled and be attending school as well as adhere to nutritional activities that are recommended, regularly go for health check-ups and participate in immunisation programmes.

The Cash Transfer programme is implemented as part of the poverty reduction strategy, with the financing of the programme being sourced from the government revenues and poverty reduction funds. The programme has a dedicated registry and laid out measures to appeal against targeting and selection decisions regarding participants. The programme is also structured in a way that the decisions made are subject to community accountability.

Tunisia administers a social assistance programme with two components: the Programme Nationale d'Aide aux Familles Nécessiteuses (National Program of Assistance to Needy Families) and Programme d'Allocations Scolaires (School Allowance Programme). The programme started in 1987 with an objective of providing financial aid to the most vulnerable families. The programme targets poor households with no able-bodied members or with members who have disabilities. The programme uses demographic targeting and means testing to select participants. In 2015, the programme had 240,000 household participants, receiving a minimum of 150 Tunisian dinar (translating to 229 PPP$) per month, plus 10 Tunisian dinar per child, with a maximum limit of three children. While the School Allowance Program requires that a child must be enrolled and should continue going to school in order to continue receiving the cash transfer, the National Program of Assistance to Needy Families is unconditional.

Tunisia funds its own social assistance programmes. In 2015, the government spent 500 million Tunisian dinar (translating to 762 million PPP$) on social assistance programmes, sourced from general government revenues. The total percentage of GDP that was spent on social assistance in 2015 was 0.57 and this translated to over a US$1,000.00 per poor person per year, assuming perfect targeting of the poor was achieved.

Social insurance

Social insurance describes all event-conditioned and contribution-based programmes designed to prevent vulnerability throughout the life cycle and in relation to key identifiable social risks set out by the social security (Minimum Standards) Convention, 1952 (No. 102).[9] These include health care, child and family, maternity, sickness, unemployment, employment injury, disability, survivors and old age. The availability of programmes covering each of these nine branches of social insurance in Egypt, Jordan and Tunisia is mapped out in table 2. The social insurance programmes do not clearly articulate coverage of migrant workers. Where clearly specified in the programmes, these are reported as such as well in this section.

Table 2: Social Insurance In Egypt, Jordan and Tunisia

	Health care	Child and family	Maternity	Sickness	Unemployment	Employment Injury	Disability/ Invalidity	Survivors	Old Age
Egypt	✓	×	✓	✓	✓	✓	✓	✓	✓
Jordan	✓	×	✓	✓	✓	✓	✓	✓	✓
Tunisia	✓	✓	✓	✓	✓	✓	✓	✓	✓

Source: Authors, using ILO (2017)

Health care benefits

In Egypt, medical aid for health care benefits typically include general and specialist care, surgery, hospitalization, maternity care, dental care, laboratory services, medicine, rehabilitation services, and appliances. Employed persons, old-age pensioners and volunteering survivor pensioners are eligible for cover. The scheme does not cover temporary and casual agricultural workers, small-scale artisans, household workers, self-employed persons. Refugee children in public schools are entitled to health insurance under the law 99 of June 1992 (NandaKumar et al 2000). In Jordan, the medical benefits for the insured worker include

[9] https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C102 (accessed 29 November 2020).

medical treatment, hospitalization, transportation, and rehabilitation services (including artificial limbs). In Tunisia, the medically insured worker can choose from: medical services provided by hospitals and clinics operated by the government, the social security system, or under contract with the National Health Insurance Fund; medical services coordinated by a private physician of the insured's choice and under contract with the National Health Insurance Fund; or reimbursement by the National Health Insurance Fund for medical services provided by public or private health care providers according to a schedule in law. Benefits include medical care, hospitalization, surgery, specialist care, laboratory services, kidney dialysis, appliances, and medicine. Private-sector and certain public-sector employees, self-employed persons, artists, and fishermen are all eligible for this type of insurance.

Child and family benefits

Egypt and Jordan do not have a social insurance programme that covers the contingency of children and family, i.e. where the benefits include a periodical payment granted to any person protected after completing the prescribed qualifying period and/or the provision to or in respect of children of food, clothing, housing, holidays, or domestic help. Tunisia has child and family benefits whose contributions are made quarterly at 9.38 Tunisian dinar per one eligible child, 18.75 Tunisian dinar for two children and 23.48 Tunisian dinar for children. The family allowance scheme is payable to private-sector employees, including casual and temporary workers, employees of farms with 30 or more workers, students younger than age 28, fishermen, members of agricultural cooperatives, and trainees of working age. The scheme does not include self-employed persons, household workers, and employees of farms with less than 30 workers.

Maternity benefits

In Egypt, the National Organisation for Social Insurance for Private and Public Sector Fund and the Social Insurance Government Sector Fund provide social insurance for maternity, where both the employer and employee contribute. The insurance covers 120 days of maternity leave with 100 percent of wages paid for eligible employed persons. The Social Security Corporation offers maternity social insurance in Jordan that pays 100 percent of wages while on the 10 weeks maternity leave. The scheme is available for private-sector employees and citizens of Jordan working at diplomatic missions or for international organizations, and certain civil servants and military personnel. The scheme excludes self-employed persons and casual labour. In Tunisia, the National Health Insurance Fund provides the maternity cover for the contractually employed and the self-employed. The insurance pays 67 percent of wages during the 30 days of maternity leave. The coverage of people in this programme is low (see table 3).

Table 3: Coverage of Social Insurance

	Maternity	Unemployment	Employment Injury	Disability/Invalidity	Old Age
Egypt		0.1% (2015)	54.5% (2015)		29.3% (2015)
Jordan			44.6% (2013)		35.5% (2015)
Tunisia	12.3% (2015)		Mandatory is 42.0% (2013) Voluntary is 15.3% (2013)	5.1% (2015)	43.3% (2015)

Source: Authors, using ILO (2017)

Sickness benefits

Sickness contributions in Egypt are paid daily, weekly, or monthly, depending on the frequency of the insured’s wage payments. The minimum monthly contributory earnings are EGP781.25 and the minimum monthly sickness benefit is the minimum monthly contributory earnings. In Jordan, the scheme is an employer liability benefit for private-sector employees. It does not cover certain public-sector employees, including municipal workers; self-employed persons;

family laborers; household workers; and certain agricultural workers. In Tunisia, two-thirds of the insured's average daily wage is paid after a five-day waiting period for up to 180 days. The payment is made for 180 days a year for the first three years and 50 percent for up to 180 days a year for each subsequent year for long-term illnesses.

Unemployment benefits

The percentage of those in the labour force receiving unemployment benefits in Egypt was 0.1 percent as at 2015. The scheme is available to public and private sector employees who earn a minimum of EGP781.25 (as at 2019) but is not available for self-employed persons, temporary, seasonal, and casual workers, household workers, civil servants and employees of local governments, employees older than age 60 and artisans. The unemployment benefits in Jordan only cover private-sector employees and citizens of Jordan working at diplomatic missions or for international organizations. In Tunisia, the salaried persons who have contributed for a minimum period of 12 quarters are eligible for the unemployment benefits. Self-employed persons, agricultural workers, and household workers are excluded from this scheme.

Employment injury

In 2015, Egypt had almost 55 percent of the labour force covered by the employment injury scheme. This scheme is financed from contributions by the employer, which amount to 3 percent of covered payroll. The scheme covers all employed persons with the exception of self-employed persons, casual workers and household workers. Jordan's social insurance on unemployment injury covers almost 45 percent of the working population. Tunisia's social insurance on employment injury is both mandatory and voluntary, with the former requiring contributions from the employer amounting to 0.4 to 4 percent of gross payroll, depending on the nature of the covered risk. The latter takes place based on one's own will. In 2013, the voluntary social insurance on employment injury was over 15 percent, which is something of note given that it is not mandatory. The scheme covers private-sector employees and apprentices, self-employed persons, and citizens of Jordan working at diplomatic missions or for international organizations. It excludes casual labourers. In Tunisia, the employment injury scheme covers salaried employees, including private-sector and certain public-sector employees, casual, temporary, and household workers, members of cooperatives, fisherman, apprentices, students and voluntary coverage for self-employed persons and artists.

Disability/Invalidity benefits

Disability benefits are available in all countries under consideration, with data on effective coverage only available for Tunisia, where 5.1 percent reach on the labour force was achieved in 2015. The disability benefits are disaggregated into temporary and permanent disability benefits in Jordan and Tunisia but not for Egypt. In Egypt, the scheme is for employed persons, including foreign workers covered under bilateral agreements. In Jordan, three-quarters of the insured's daily earnings is paid after a three-day waiting period until the insured resumes work, is assessed with a permanent disability, or dies and three-quarters of the insured's monthly earnings are paid for permanent disability. In Tunisia, the minimum quarterly earnings used to calculate the temporary benefits are the legal quarterly minimum wage based on a 48-hour week and the minimum annual earnings used to calculate the permanent benefits are the legal annual minimum wage based on a 48-hour work week.

Survivors benefits

In Egypt, up to 2.2 percent (2.5 percent for arduous work or 2.8 percent for dangerous work) of the deceased's reference monthly base earnings is paid for each year of contributions, up to 36 years to persons covered under this scheme. The scheme is open for employed persons, including foreign workers covered under bilateral agreements. In Jordan, half of the deceased's average monthly earnings in the last year of contributions is paid. Private-sector employees, public-sector employees not covered by a special system, self-employed persons, and citizens of Jordan working at diplomatic missions or for international organizations in Jordan are eligible to participate in this scheme. Voluntary participation is permitted as well. In Tunisia, three-quarters of the old-age or disability pension the deceased received or was entitled to receive is paid to a widow(er) without a dependent child, 70 per cent with one dependent child; or 50 per cent with two or more dependent children. The scheme is available to private-sector employees and self-employed persons. There are also special systems within the scheme for civil servants, members of parliament, military personnel, agricultural workers, farmers, household workers, artists, and certain categories of fishermen and low-income earners.

Old age benefits

Lastly, the countries have old-age pensions, where 29.3 percent, 35.5 percent and 43.3 percent were covered as at 2015 in Egypt, Jordan and Tunisia, respectively. Typically, the old-age pension contributions are made by the insured person as well as by the employee in all these countries. In Egypt, the government adds a one percent of covered monthly payroll plus the cost of any deficit while the government in Jordan adds on any deficit as part of the financing mechanism. Jordan has a self-employed contributory scheme where volunteers are expected to make contributions of 17.5 percent of their monthly income. Tunisia provides subsidies for the old-age pension contributions in low-income economic areas and has a special system that affords the self-employed to be covered for old-age contingency.

According to Olivier (2009), Tunisia's social insurance has become of interest to a number of policy makers because of its ability to reach the informal economy. For the workers in the informal economy, contributions are flexible enough to be paid even quarterly and the benefits received in the event of a risk happening differ. For instance, under the sickness and maternity scheme, the self-employed, artists, fishermen are entitled to cash and medical benefits whereas household workers have access to medical benefits only. The compensation for industrial injury and occupational diseases is available to a varied type of workers, including casual, temporary, and household workers as well as students. The self-employed persons and artists have a voluntary scheme that exist for them. In Egypt and Jordan, the progress towards covering the informal sector is not as much as in Tunisia. However, there are some initiatives being done in Jordan where the Social Security Corporation initiated an outreach to all strategy in order to extend social security coverage to the informal economy in 2008 (Nsour 2011, ISSA 2009). The strategy intended to extend social security coverage to enterprises employing less than 5 workers and redefine the insured person in the social security law to avail the right for social insurance to cover employers, housewives, the self-employed, agricultural workers, fishermen and those working in the informal sector.

Legal Frameworks of Social Protection

This section reviews some of the legal frameworks that underpin contributory and non-contributory programmes of social protection, starting with national constitutions, laws, and decrees and ending with bilateral agreements. The review is not meant to be exhaustive of all the legal frameworks, for reasons of brevity, but is indicative of the state's obligation to nationals and non-nationals, particularly on who is included or excluded in social protection programmes.

National constitutions, laws and decrees

The legal frameworks at national level typically provide citizens and residents clarity with respect to rights and benefits that may be available to them. In many cases, procedures that need to be followed to access benefits that accrue to participants, qualification criteria, and complaints and appeals mechanisms all derive from these laws. The discussion that follows covers selected national constitutions, laws and decrees that relate to access to social assistance, and social insurance.

The provision of social assistance is anchored in Art 17 of the Egyptian constitution, where social security services for citizens who are unable to support themselves due to various reasons are stipulated. In Jordan, the Social Affairs and Labour Law No. 14 of 1956 regulates the provision of social pensions for citizens throughout their life circles. The Tunisian Constitution guarantees the right to social assistance and one of the laws enacted in line with this guarantee is the Law no 2001-74 of July 11, 2001 that is classified under social assistance and services. This law includes rehabilitation that can facilitate the integration of homeless people into economic and social life. The Decree no. 200-3080 of 2005 stipulates that persons with disabilities must be financially assisted.

The constitutions, laws and/or decrees in Egypt, Jordan and Tunisia do not specify non-nationals in the access to social assistance programmes. In most cases, the legal frameworks clearly stipulate that it is citizens who have access to social assistance. Table 4 provides a summary of the legal frameworks in Egypt, Jordan and Tunisia.

Table 4: Legal Framework on Social Assistance

COUNTRY	TYPE	DETAIL
Egypt	Constitution 2014	**Art 17 Social security services** The state provides social security services. All citizens who have no access to the social security system have the right to social security to ensure a decent life, if they are unable to support themselves and their families in the event of incapacity to work, old age or unemployment.
	Law (Act)	**Social security law 30/1977 amended by law 87/2000**[10] The law makes provision for seniors who are not entitled for security pensions so that they can benefit from the aging pension.
Jordan	Law (Act)	**Social Affairs and Labour Law No. 14 of 1956**[11] The law specifies that its main functions are to provide comprehensive and sufficient social pensions.
Tunisia	Constitution 2014	**Art 38** The state […] shall guarantee the right to social assistance in accordance with the law.

[10] Found at https://www.ohchr.org/Documents/Issues/OlderPersons/Submissions/Egypt.pdf [9 January 2021]
[11] Found at https://www.ids.ac.uk/download.php?file=files/dmfile/SocialprotectionandsafetynetsinJordan.pdf [accessed on 9 January 2021].

	Law (Act)	***Law no 2001-74 of July 11, 2001 relating to social protection centers.*** **Further classified as Social assistance and services** Provides for the creation of social protection centers whose mission is in particular to take care of homeless people and children at risk.
	Decree	**Decree n ° 2005-3080 of November 29, 2005 on the Promotion of the Disabled Person** The decree relates to the setting of the conditions of benefit of the material aid granted to the needy disabled person and the modalities of his placement in foster families.

The provision of social insurance is by far a form of social protection that has a vast legal framework and a selection of these is provided in Table 5. The legal frameworks are also in form of national constitutions, laws and decrees. For instance, the right to social security (in the form of social insurance) is specified in the Egyptian Constitution and is mentioned in the Tunisian Constitution. As shown in Table 5, there are several laws and/or decrees relating to the nine branches of social insurance. In Tunisia, all the nine branches of social insurance are underpinned in legal frameworks. In Egypt, all branches are underpinned in law except the child and family benefits. In Jordan, up to six branches are underpinned by legal frameworks, leaving out sickness and child and family benefits that were not yet anchored in law as at 2017.

The legislation enacted in 1995 through the Decree No.95-1166 unified two existing social security schemes in Tunisia – one for self-employed agricultural workers and one for self-employed non-agricultural workers – into one scheme for the private sector. Under the scheme, a number of variations in terms of contributions and benefits according to the individual's occupation exist.

Table 5: Legal Framework of Social Insurance

COUNTRY	TYPE	DETAIL
Egypt	Constitution 2014	**Art 17 Social security services**

		Insurance and pension funds are private and enjoy all forms of protection afforded to public funds. Together with their returns, they are a right of their beneficiaries.
	Law (Act)	**Law No. 148 of 2019 on Social Insurance and Pensions**[12] The Law unifies the social insurance provision under one umbrella as opposed to the previously scattered regulations for employees (Law 79/1975), for employers, business owners and the like (Law 108/1976), and Egyptians working abroad (Law 50/1978).
		Law No. 2 of 2018 promulgating the Health Insurance System: *Medical care and sickness benefit* The Law covers all citizens, whether they are public or private employees, seasonal or permanent workers, men or women, child or adults.
		Law No. 156 of 2002 establishing a Workers' Emergency Benefits Fund: Unemployment benefit Establishes a Fund within the Ministry of Manpower and Migration to provide assistance benefits to workers in enterprises which have closed or which have reduced the number of their socially insured workers.
Jordan	Constitution 2016	**Art 23(2)(e)** The State shall protect labour and enact legislation therefore based on the following principles: […] specifying special compensation to workers supporting families and in the cases of dismissal, illness, disability and emergencies arising out of work.
	Law (Act)	**Law No. 1 of 2014 on Social Security Law: *Social security (general standards)*.** The law covers the provision of Work Injury Insurance, Maternity Insurance, Unemployment Insurance, Old Age, Disability and Death Insurance, Public Sector Insurance, other General Provisions to workers.
	Miscellaneous	***Miscellaneous adopted in 2015 on Social security (general standards): Domestic workers*** Launches new insurance policies covering non-Jordanian domestic workers. These policies aim to both protect employers and provide comprehensive healthcare for domestic workers.
Tunisia	Constitution	**Art 65** The fundamental principles of […] public health, […] and social security.
	Law (Act)	**Law n ° 96-101 of 18 November 1996 relating to the social protection of workers. Amended in 2002.** Concerns the management of severance pay for economic or

[12] Found at http://amereller.com/wp-content/uploads/2020/02/Client-Alert-Egypt-Social-Insurance-law-12022020.pdf [accessed on 10 January 2021]

		technological reasons and the granting of family benefits and care for workers who have stopped working for the same reasons.
		Law No. 60-30 of 14 December 1960 establishing the National Social Security Fund[13] The NSSF is responsible for the management of the following branches: family allowances, social insurance and pension . It ensures the payment of social security contributions in the private sector.
		Law No. 2004-71 of August the 2nd, 2004 entrusting the National Health Insurance Fund The fund manages the health insurance and compensation for damages resulting from work accidents and occupational diseases.
		Law No. 2002-32 of March 12, 2002, **relating to the social security system for certain categories of workers in the agricultural and non-agricultural sectors** This law concerns a residuary social insurance scheme for workers on low incomes, providing old-age pensions as well as disability and survivors' benefits.
	Decree	**Decree No. 95-1166 of 3 July 1995 on Social Security for self-employed workers in the agricultural and non-agricultural sectors**
		Decree No. 82-1360 of 12 February 1981 on social security for farmers and self-employed workers in agriculture. Social security schemes resulting from Law No. 81-6 of 12.02.81 [SL 1981-Tun. 1] are extended to the above-mentioned self-employed workers.

In Egypt, some of the provisions of the law do mention migrant workers and most often this is made subject to reciprocity agreements. In Jordan, the constitution provides for compensation of workers for specific risks, without necessarily specifying if this is limited to citizens. However, the miscellaneous laws, as shown in Table 5, do make social insurance provision for non-nationals. In Tunisia, the legal framework generally specifies the social insurance of workers, including the self-employed, without necessarily clarifying if this is limited to citizens or not.

[13] Taken from https://www.sesric.org/imgs/news/1404-Tunisian.ppt [accessed on 10 January 2021]. This is also the source for Law No. 2004-71 of August the 2nd 2004.

Bilateral, regional, continental and international legal framework

This section presents a selection of bilateral agreements that are available involving Egypt, Jordan and Tunisia and the other countries respectively. It also discusses the legal frameworks at regional, continental and international level relating to contributory and non-contributory forms of social protection.

Bilateral Social Security Agreements (BSAs) and other memoranda of understandings (MoU) have mushroomed over the past years as one way of addressing difficulties faced by migrant workers in the realisation of their right to social protection. Some of the reviewed bilateral agreements relate to both labour and social security, particularly in Jordan, and mainly categorised into employment of documented migrant workers and social security for documented migrant workers.

In Table 6, details of BSAs are provided. Such agreements make it possible for migrant workers to have contributory social protection. Jordan and Tunisia have developed a number of BSAs on social security with different countries with the aim of assisting their workers abroad and migrant workers in their countries, with social security cover. Some of the BSAs cover certain social security branches/risks as they are deemed to apply to documented migrant workers. For instance, in Jordan, most BSAs bind employers to commit to insurance on life and accident, health care and repatriation.

Table 6: Bilateral Social Security Arrangements

COUNTRIES	DETAIL
Egypt and Greece	**Order no. 30 of 1990 from the Minister of Insurance and Social Affairs** concerning the rules applicable to the amounts of contributions transferred on behalf of Egyptian workers employed in Greece in accordance with the agreement concluded between the two countries.
Egypt and Cyprus, and the Netherlands	**Bilateral agreements** on social security provide for the right of workers to request the transfer of the contributions they

	have paid in the country of employment to their country of origin
Egypt and Sudan	**Bilateral agreement** provides for the portability of social security benefits by allowing for their transfer to the worker's country of origin. These benefits include old age pensions and all monetary benefits in cases of natural illness, occupational injury, childbirth, and burial.
Jordan and Nepal, Ghana, Sri Lanka, Indonesia, Bangladesh, Ethiopia, Uganda, Libya, Palestine, Syria, Morocco, Tunisia, Saudi Arabia, Kuwait, Egypt, Algeria, Yemen, Sudan, Qatar, Japan, China, the United States of America, the United Kingdom, Turkey, German, Philippines, and United Arab Emirates.	**Bilateral agreements** on employment and insurance cover of migrant workers, binds the employer to commit to insurance on life and accident, health care and repatriation.
Tunisia and Algeria, Egypt, Libya, Morocco, Germany, Austria, Belgium, Spain, France, Italy, Luxembourg, and the Netherlands.	**Bilateral agreements** on social security have been concluded with the main host countries of Tunisian nationals.

Conclusion and Implications for Social Protection of Migrants

The institutional, programme and legal data mapped reveal that social assistance is elusive to the active populations (that is, the youth and adults) and the employment injury benefit is the most popular social insurance arrangement in Egypt, Jordan and Tunisia. The provision of social protection as anchored in the constitutions is generally limited to the citizens. Bilateral agreements between countries specify social security provisions of migrant workers and are thus dubbed the 'gold standard' for extending social security protection to migrant workers because they are the specific instruments that may better include migrants in social protection.

The implications of social protection on migrants (that is, asylum seekers, low-skilled migrant workers, permanent refugees, skilled migrant workers, temporary migrants and undocumented migrants) are bifurcated into non-contributory and contributory social protection. In both cases, the immigration status of migrants can be key in determining access. For instance, undocumented migrants and displaced personss may fear to access any social protection because institutions may report them to immigration authorities. Data protection and regularisation of migrants are therefore key. Also key is the inclusion of migrants to increase membership in the contributory schemes as this improves risk pooling and financial self-sustenance. Permanent residents have access to most forms of contributory social protection and invariably enjoy equal access to such benefits, on par with nationals. Often, the skilled migrants end up being permanent residents in country of destination or foreigners holding passports issued by the country of destination. For these types of migrants, contributory social protection may be made mandatory and portability of their benefits guaranteed.

In most cases, undocumented and low-skilled migrants find themselves in the informal economy because they will not be having formal documents to get employed in formal establishments or critical skills required in country of destination, respectively. Temporary or seasonal migrants also most often find themselves in the agricultural sector and working without formal contracts. Consequently, it is expected that the informal economy be the domain of most undocumented, temporary and low-skilled migrants. This is taken to mean that social protection extended to the informal workers is also relevant for these types of migrants in as much as informal social protection is also relevant for them. For instance, contributory schemes may be customized and extended to informal workers, inclusive of these types of migrants, by making premiums flexible. Contributions may be allowed on daily weekly, monthly or quarterly bases to recognize the diversity of informal employment and the uncertainty of income. Tunisia already provides realistic income baselines for specialized contribution modalities in the informal sector, without necessarily claiming that these types of migrants are covered.

Another pathway in which migrants in the informal sector may have access to contributory social protection is through non-state social protection. Informal institutions such as savings clubs or ROSCAs can be used by undocumented migrants who work in the informal economy given that most of these migrants may be having strong networks that help them to belong to such institutions. Governments and international organisations may play a supportive role by developing appropriate frameworks for informal institutions to thrive, even without any need for financial support.

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