

Children's right to social protection in the Middle East and North Africa—an analysis of legal frameworks from a child rights perspective

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While increased attention is being paid to the role of social protection in improving human development indicators, especially among children, it is important to remember that access to social protection is not just a matter of policies but one of rights, as enshrined in several international human rights instruments, including the United Nations Convention on the Rights of Child. A human rights-based approach to social protection envisions social protection programmes anchored in a system of rights, clearly establishing citizens' entitlements and corresponding obligations for the State. The analysis of whether and how such programmes are incorporated into national laws is an important entry point to advance children's rights.

The Middle East and North Africa (MENA) region has a long tradition of providing social support to the most vulnerable segments of society. However, social protection systems remain limited in many countries, largely relying on food and fuel subsidies. This situation has been changing gradually, and in recent years the region has seen a number of reforms, often involving the removal of universal subsidies and the introduction or scale-up of targeted cash transfer programmes. Considering this new landscape of social provisioning and the political changes in MENA since the events of 2011, the question arises of whether a shift towards a more rights-based approach to social protection can be observed in the region.

A recent study on the subject, conducted by a partnership between the IPC-IG and UNICEF (Bilo and Machado 2018) has two main objectives: first, to present an overview of the existing legal and regulatory frameworks promoting children's right to social protection in MENA (including constitutions, social protection laws and child rights acts); and, second, to assess whether the legal frameworks of the region's non-contributory social protection programmes comply with a human rights-based approach. In broad terms, they should: (i) set out the eligibility criteria; (ii) define the various responsibilities of those involved in the implementation of schemes; (iii) articulate long-term financial requirements; (iv) establish accessible grievance and appeals mechanisms; and (v) set the foundations for citizens' participation.

The study finds that, although most countries have legal guarantees to social protection or an adequate standard of living in their constitutions, only a few—namely, Bahrain, Egypt, Iran, Iraq and Morocco—clearly extend these rights to all children. This study also emphasises that **macro policy documents**, such as social protection strategies, are crucial to **establishing social protection as a right—and not merely as charity**—thus helping enhance programmes' institutional legitimacy and coordination.

More than half (88) of 154 non-contributory social protection schemes mapped in the MENA region are anchored in a legal framework. However, the study also shows that several programmes that are particularly relevant for children are not (yet) enshrined in law. This includes the *Tayssir* programme in Morocco and the *Programme National d'Aide aux Familles Nécessiteuses* (PNAFN) in Tunisia. Also, while cash transfer and health protection programmes tend to be better embedded in legal frameworks, school feeding programmes and in-kind transfers are often lacking clear legal regulation.

A more detailed analysis of 22 legal frameworks reveals that while most of them define eligibility criteria, as well as roles and responsibilities (albeit with varying degrees of precision), few stipulate the long-term financial requirements or establish strong grievance and appeals mechanisms. Moreover, the participation of beneficiaries is rarely mentioned. A few programmes stand out for presenting a more comprehensive legal framework, such as Iraq's Social Protection Network (regulated by Law No. 11 of 2014) and Djibouti's *Programme National de Solidarité Famille* (*Décret n°2015-279/PR/SESN*, modified by *Décret n°2017-096/PR/SEAS*). Yet the existence of a detailed legal framework does not necessarily mean that a programme is in fact implemented as such. The implementation of a law is particularly challenging in contexts of armed conflict, which can in the most extreme cases lead to a complete suspension of programmes, as in the case of Yemen's Social Welfare Fund.

By mapping and assessing the legal frameworks of social protection, the study aimed to identify regulatory gaps and raise awareness of the importance of enhancing national legal systems to comply with the standards established by international human rights laws. Embedding programmes in comprehensive legal frameworks and complementing existing legislation according to a human rights-based approach is a crucial step in consolidating the right to social protection for all children and, therefore, contributing to the achievement of Sustainable Development Goal 1 ("End poverty in all its forms everywhere") and, more specifically, target 1.3, establishing "nationally appropriate social protection systems and measures for all, including floors".

Reference:

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This One Pager is one of four knowledge products about social protection in the MENA region being produced by a partnership between the International Policy Centre for Inclusive Growth (IPC-IG) and the UNICEF Middle East and North Africa Regional Office (MENARO).