

# The Social Protection System

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## Introduction

There are many common definitions and concepts about social protection, and most of them put this concept as a framework including a broader range of social policies, including social security and social insurance and social safety nets. And often the terms “social protection” and “social security” are used interchangeably. It is worth mentioning that the ILO uses the term “social security”, to refer to the right to social security enshrined in the Universal Declaration of Human Rights 1948 (Article 22), and in the International Covenant of Economic, Social and Cultural Rights 1966 (Article 9), and other instruments of the United Nations Human Rights . This term includes a wide range of policy tools, including social insurance, social assistance, and other forms of cash transfers, as well as measures to ensure effective access to health care and others, which aims to provide social protection. The recent report of the International Labor Organization highlights the fact that the lack of access to social protection is the main obstacle to economic and social development. The report links the lack of coverage or lack of access to social protection and high and sustained levels of poverty and economic insecurity in some parts of the world, in addition to the high and growing levels of inequality<sup>1</sup>

However, we cannot delve into to the study of social protection systems without placing it in the context of an in-depth review on the role of “social state” with respect to the social solidarity and interdependence and to the recognition of economic and social rights. Social Solidarity means, for example, the family in its core and extended dimensions, or “community,” or the workforce, or associations and civil society organizations, religious institutions, or companies, or insurance companies and the state. The roles and the level of the tyranny of the parties on one another differ, according to the reality of each country and society on the one hand, and the transformations of capitalism on a global and local levels, on the other hand<sup>2</sup>.

1- World Social Protection Report 2014/15: Building economic recovery, inclusive development and social justice, International Labour Office, (Geneva, ILO 2014).

2- For more details

World Social Protection Report 2014/15: Building economic recovery, inclusive development and social justice,

In addition, it is difficult to understand the social protection without considering the social policies of the state

## Section I: the role of the state in development

Development belief started to spread in the Arab world in the aftermath of the independence movements - like many of the countries of the South – this is what stimulated the emergence of political, economic and social institutions. As for the case of Lebanon, the dominant faith, on the basis of which these institutions were made, was and is still based on the principle of “laissez-faire”. In fact in the “commercial republic” the phenomenon of state wavering for social service and economic responsibilities to the private sector is not considered new- like most countries in the region - but it was actually the building policy since independence to create modern institutions of social protection in Lebanon<sup>3</sup>

Following the so-called “Washington Consensus”, the pressure which was exerted on Lebanon and the Arab region in general, took a growing trend to inflict the economies of those countries in the market of global capitalism and prepare communities to deal with its requirements. This pressure was followed by new challenges and concerns on the local and international levels, represented by poverty issues and the development of social protection systems, to play a substitute role of the welfare state, and to serve as a tool to combat poverty and deteriorating economic and social conditions.<sup>4</sup>

The general policies established after the civil war in Lebanon, engaged in the neoliberal dominant system. And the current trends of the Lebanese state confirms this fact; the quick reconstruction policies discarded the issue of social rights and “social security” for all. And the Lebanese state, since 1993, embarked on the implementation of structural adjustment programs supported by the World Bank and International Monetary Fund

The concept of the welfare state is still embryonic

International Labour Office, (Geneva, ILO 2014).

3- Myriam Catusse, op.cit.

4- Globalization and Social Security in the Arab Region, a paper: <http://www.escwa.un.org/divisions/sdd/events/19dec05hammoud.pdf>

in Lebanon, and the level of social protection for citizens is quasi non-existent. Health care spending and education and retirement benefits, family allowances and assistance for people with disabilities are still not available to a large number of the population. There are about 40% to 50% of the Lebanese population who are not enrolled in the National social Security Fund<sup>5</sup>40% of them are outside any health insurance system, while only 8%, are contractors with private insurance companies<sup>6</sup>.

Except for some special cases (as systems of social security of the police, which is considered the most effective and comprehensive in terms of coverage), the general reality about the social welfare systems in Lebanon is characterized by complex bureaucratic procedures, and very slow in terms of compensation deadlines, which drives many people to resort to. "Nepotism "in most cases

For these and other reasons, the most vulnerable population, such as the elderly and people with disabilities and the unemployed and foreign workers, women and farmers remain, outside the framework of coverage of the most formal social protection systems. In fact most social expenditures actually fall on the burden of individuals, families and private institutions, such as the civil institutions and non-governmental organizations <sup>7</sup>leading- due to the absence of a centralized system of effective social protection-to strengthen and deepen clientelist practices (sectarian or partisan), which became

5- Myriam Catusse, The shock to the test: the byways of the reform of the national social security fund in Lebanon," intervention in the framework of the thematic section "Social policies: changes, challenges, theories" led by FX Merrien and Mr. Steffen at the 10th Congress of the French political Science Association (2009).

6- Roger Nasnas & alii, Lebanon of Tomorrow, towards an economic and social vision, (Beirut : Editions Dar an-Nahar, 2007).

7- A large number of non-governmental organizations (local and international) are working to create financial aid programs. And despite the fact that this subject should be treated from the Lebanese perspective, and because of the sensitivity and the problematic aspect of the issue (especially what means effectively in these programs as "safety nets"), we cannot approach it in this short paper

institutionalized because of quota policies between government poles in the Lebanese state, in addition to the spread of corruption in official bodies, these practices deepened during the years of civil war (between 1975 and 1990), as well as during the reconstruction phase in the nineties of the last century

### **The social dimension in the counter-context**

The Lebanese government has implemented the reconstruction program "Prospects for 2000", in large part through the CDR, and through the arched agreements with large private companies, which resulted in monopolies in telecommunications and import of hydrocarbons and waste treatment, airport and port sectors, etc<sup>8</sup>.

"The concept of public interest (...)became completely absent from the new ideology of reconstruction commensurate with the neo-liberal trend, which considers the state and teamwork as sources of economic waste (...), which hinder the effectiveness of private companies."<sup>9</sup>. This neoliberal approach continued within policies which followed the Israeli war in Lebanon in 2006, the donors' conference, known as the "Paris 3",<sup>10</sup> held in 2007, stressed on having more loans in order to address the economic consequences of the economic war<sup>11</sup>. Indeed, the plan proposed

8- Reinoud Leenders, "Nobody Having Too Much to Answer For: Laissez-Faire, Networks and Postwar Reconstruction in Lebanon", in Steven Heydemann. (ed), Networks of Privilege in the Middle East: The Politics of Economic Reform Revisited, (London: Palgrave/Macmillan, 2004) pp. 169-200.

9- George Corm, Le Liban contemporain, (Paris : La Découverte, 2003). p 237

10- In February 2001, Paris meeting was held and the Lebanese government requested the support of the international community to complement their efforts in bringing about a virtuous cycle of lower fiscal deficit, low debt ratios, and lower interest rates, which can unleash the potential of the private sector in Lebanon. And provided a strategy for donors, which included trade liberalization and facilitation, which contain public spending, including support to reduce some food products, and privatization (in the field of telecommunications, water and electricity sectors), and attracting foreign direct investment (FDI), and modernization of the tax system

11- It should be mentioned here that Lebanon is one of the most indebted countries in the world with a debt of

by the Lebanese government to the conference focused on the recovery of growth and reducing public spending and fostering privatization, while the public sector has remained reluctant to change.

Unlike previous donors' conferences, the project submitted by the government of Fouad Siniora included a social part; the work plan<sup>12</sup> included then the "social issues". However addressing these issues remained dismal compared with the indicators and the macro-economic performance. While the plan suggested, in its general goals, reforming some chapters of the social protection "to reduce poverty, and improve social spending performance and improve the quality of education and health indicators", the plan did not include reforming the system itself, but was limited to proposals for improving the operation of social protection conditions, standardization of funds and insurance bodies, and expansion of the scope of health card coverage, while neglected the issue of retirement

The Studies indicate that the policies which were adopted by the successive governments after the war, fall within the model of strengthening and deepening economic liberalization, and creating an enabling environment for foreign direct investment and foreign companies. However, these policies have led to a decline in social indicators, despite the positive economic growth rates experienced by the country

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150% of its GDP. However, in light of stagnant economic growth and rising public debt, which reached 170% of GDP, in the second round of the Paris international donors II- held in November 2002. The conference sought to help Lebanon manage the economic crisis, Amili- dubbed Conference conditions set by the Lebanese government, which included tax and financial reforms and privatization. In the context of Paris II, the economic plan of the government, and praised by the donor community, as a mere repetition of policies geared towards the traditional market, which aims to reduce both the current and capital expenditures, as well as increased tax revenues with made a significant contribution from value-added tax (VAT) in the same year.

Jad Chaaban, « Public Finance Reform in Lebanon: An Overview », Arab Initiative Reform (2008).

12- Republic of Lebanon, Social Action Plan Toward Strengthening Social Safety Nets and Access to Basic Social Service, document préparatoire à la conférence de Paris III, (Janvier 2007).

<http://www.economy.gov.lb> (تمّ الاطلاع في ١٧/١٤/٢٠١٤)

during the second half of the previous decade. Moreover, the austerity measures often led to the targeting of development and social spending, worsening the economic situation of the poor and marginalized "in the absence of effective social protection programs"<sup>13</sup>.

No progress was actually noticed in reforming the health and end of service compensation systems since 2003, in spite of the suggestion of many projects. Despite political differences, there was a general consensus by the political parties as a whole on the privatization of social protection systems, which confirms that the "social issue" does not fall within the priorities of political agendas in Lebanon

### Numbers crisis and the lack of vision

The Human Development Report of 2013 ranked Lebanon 72 out of 187 countries, and classified it within the "high-development countries." But these rates are not accurate due to the lack of data, this could be related to political reasons (as there has been no national survey since 1932, for reasons pertaining to the sectarian balance). This has also revealed the absence of an independent national body of survey and statistical studies that produces data on the social situation in Lebanon. Huge discrepancies are revealed in the data issued by international and local organizations due to the use of different statistical nomenclatures. As a matter of fact a survey carried out by the Ministry of Social Affairs revealed that the number of residents in Lebanon amounted to three million in 1996, 4% of them are foreigners. The Central Administration of Statistics said that in 1997 the number reached four million; 7.6% of them are foreigners. While the National Study of Household Living Conditions (1996 and 2004) do not take into account the number of people in the Palestinian camps. It's important here to highlight the fragile legal, economic, health and social situation of Palestinian refugees in Lebanon<sup>14</sup>.

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13- Hassan Sherry, "Post-war Lebanon and the influence of international financial institutions: A "Merchant Republic"", Civil Society Knowledge Center, Lebanon Support (Beirut, 2014).

14- Souha Tarraf-Najib, « work and denial of work : Palestinians from Tripoli and refugees camps (Nahr el

## Palestinian Refugees

The Lebanese consider Palestinian Refugees as a special category of foreigners, and the successive governments and political parties insisted upon the rejection of their “resettlement” for fear of prejudice to the “sectarian balance.” They are affiliated to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA, which deals with educational, health and social services) and they do not receive forms of legal protection that other refugees receive from the United Nations High Commissioner for Refugees. Refugees suffer difficulties in terms of employment given the fact that according to the Ministerial Decree 17561 (1964) they are classified as foreigners. As the condition of reciprocity, cannot be applied in this case. Adding to that, they must obtain upstream a work permit. Also Palestinians are prohibited from engaging in certain professions not to mention that the law did not allow for those who were working with official work contract to benefit from Social Security benefits formal contracts, even though they are obliged to pay contributions. In 1982, a ministerial decree No. 289/1, which trimmed the list of occupations available to them and prohibited them from the right to work in more than 70 professions. A good number of decisions have been taking that were considered positive for the Palestinians (1995; 2005), the most important were issued in August 2010, the House of Representatives approved amendments to the Labor Code (Article 59) and the Social Security Act (Article 9) which concerned the Palestinian refugees, and exempted them from work permit fees, cancelled the principle of reciprocity, and determined the compensation for the end of the service (the amendments didn't include maternity and family benefits guarantees). But these amendments were considered insufficient, especially because it didn't not lift the ban on trade union organization and dedicated clear discrimination against refugees, as they are still obligated to pay the full contribution to the social security fund and do not have full coverage in return

So often the available figures are fragmented and from a journalistic source which makes the process of verifying their accuracy and scientific character very difficult: As a matter of fact, these sources consider that 28% of Lebanon's population can be classified as “poor”<sup>15</sup> and that nearly 48% of Lebanon's fortunes are confined in the hands of the 8900 citizen who make up 0.3% of the adult population<sup>16</sup>

In addition to the problem of figures contradiction, the national averages obscure important, geographical and social differences in Lebanon. Even if the research conducted by IRFED team during President Fouad Chehab era (1958-1964), on the basis of which a work plan and reform policy were drafted, showed the size of social inequality<sup>17</sup> the society suffers till today from the depth of the economic and social gap between the Lebanese. The poverty maps clearly show significant disparities between Beirut and Lebanon Mountain and southern regions compared with the Bekaa and the North<sup>18</sup>.

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Bared, Beddawi) on the north of Lebanon », REMMM, (n°105-106, 2005) pp. 283-305.

Mariam Saab, “Some 28 percent of Lebanese live below poverty line - study,” The Daily Star, )Beirut, Lebanon, 5/2/2009( 15

16- “Filthy Rich: Half a Percent of Lebanese Adults Own Half the Country's Wealth, Executive Magazine, )Beirut, 18/10/2013(

17- Louis-Joseph Lebret, Needs and possibilities for Lebanon Development , Preliminary Study, 2 tomes, (Beirut : minister of Plan, Mission IRFED Liban, 1960-1961).

18- The available surveys indicate that the poverty rate is 11% in the north and south of Lebanon, while it's only around 1%in Beirut and Lebanon's mountain.

Republic of Lebanon, 2007, Social Action Plan Toward Strengthening Social Safety Nets and Access to Basic Social Service, Janvier 2007, preparatory document to Paris III conference.

## The most vulnerable groups

The most affected populations categories can be enumerated as female-headed households (more than 120 thousand people<sup>19</sup>), and working children (more than 50 thousand children under the action of 14-year-old age), and the unemployed (11.5%, according to official data), and persons with Disabilities (more than 75 thousand people), and the elderly (more than 270 thousand residents in Lebanon, aged 60 years and above). There is no exaggeration in saying that the poor are getting poorer<sup>20</sup> and the middle classes are shrinking<sup>21</sup>

The unemployment rate reached 6.4%<sup>22</sup> in 2009, but this figure does not reflect the reality of the actual labor market, as it doesn't take into account the fragile or temporary or seasonal employment<sup>23</sup>. Some believe that unemployment rate within 18-35 years age segment is about 50%<sup>24</sup>

In addition, it's noticeable that the Lebanese purchasing power decreases, and levels of inflation increase, and in spite of that the minimum wage has remained frozen between 1997 and 2008. Health services also remained not available to a large number of citizens in the absence of employer/employee contribution generalization to the security funds, knowing that the rate of non filed work is estimated around 36%<sup>25</sup>

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19- CRI, Banque mondiale et MoSA, Post Conflict Social and Livelihoods Assesment in Lebanon (2007).

20- UNDP estimates that one third of the population live under the poverty line. Ministry of Social Affairs (MoSA), Central Administration of Statistics, UNDP, Living Conditions of Households. The National Survey of Household Living Conditions, (2006).

21- Ibrahim Maroun, «The question of middle classes in Lebanon (ou l'accentuation des disparités sociales dans les années 80 et 90)», UNDP conference on linking economic growth and social development, (Beyrouth, UNDP, 2000). Walid Salim Safi, « socio-economic disparities as a factor of comme facteur de desintegration ? », Confluence Méditerranée, n°47, automne (2003).

22- <http://www.cas.gov.lb/index.php/en/key-indicators-en>

23- Roger Nasnas et alii, Lnon of Tomorrow. Towards an economic and social vision , (Beirut : Editions Dar an-Nahar, 2007) p. 36.

24- Roger Nasnas et alii, op.cit, p.316.

25- Republic of Lebanon/World Bank Health Sector Mis-

The reality of social spending: "Public money for private health"

According to the World Bank, total social spending in Lebanon is about 21% of GDP, and it is primarily in the areas of health, education and social protection, where the private sector covers the majority of this spending (15 percent), the state covers only 6%<sup>26</sup>. Even if some experts stated that social spending is relatively large in Lebanon, the results remain below the required level and don't go up to scratch<sup>27</sup>, according to international standards. What prompted some academics to characterize the situation as "public money for private health."<sup>28</sup>

The report of the United Nations Development Program suggests the same observation "there is no harmony between the social costs and their results (...)." <sup>29</sup>The Studies on social protection in Lebanon refer to the diversity and the difference of the sources of financing social protection: from taxes and social contributions, along with other sources of social solidarity<sup>30</sup>. But in general we can say that there is a lack of information about the financial resources of the protection systems in Lebanon.

## Section II: Legislative framework and characteristics of social protection systems

The systems of social protection of the state in Lebanon don't dependent on residence or citizenship belonging to the state, but the relationship between the citizen and the labor force. In fact the National Social Security Fund is which is the most prominent institution to secure

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sion, Aide mémoire, janvier 26-30 (2009) p. 1

26- Nasnas, op. cit, p.297

27- المرجع نفسه.

28- Vincent Geisser andFilippo Marranconi, «Health "Statet" in Lebanon : a two speed medicine ? », Les Carnets de l'Ifpo. The research is being undertaken in the French Institute of the Near East (Hypotheses.org), 13 mars 2014.

29- UNDP, Toward a Citizen's State, Lebanon 2008-2009, The National Human Development Report, (2009) p. 128

30- Roger Melki, "Social protection in Lebanon : between assistance reflex and logical insurance ", UNDP conference on linking economic growth and social development, (Beirut, UNDP, 2000) p.192.

social protection in Lebanon, is directly targeted to employees and workers, and provide health protection and end of service compensation

Lebanon has ratified more than 50 documents of the International Labor Organization, including 7 out of 8 key documents, while it did not ratify the following documents 102 118 121, 128 130 157 and 168 ( domestic workers).<sup>31</sup>

The social security system in Lebanon can be characterized as inspired by the model Albismarki, which is characterized by the following:

- The multiplicity of funds and the guarantors,
- Significant differences between public sector employees and private sector employees (in terms of coverage and contributions),
- The absence of coverage of non-filing workers and some self-employed,
- The limited coverage to basic health services, family allowances and compensation of the end of the service,
- The lack of coverage in the event of unemployment or complete inability to work,
- Time-limited coverage at retirement age

### Social Security Funds

#### 1) “The National Social Security Fund”

The “National Social Security Fund” (Fund) was established under a law passed in 1963<sup>32</sup> (in response to the union demand which lasted twenty years). The Fund allows the filing only for wage-earners in the private sector<sup>33</sup>, and short term government employees and self-employed and the workers abroad, the unemployed and workers in the informal sector<sup>34</sup>.

31- [http://www.ilo.org/dyn/normlex/en/f?p=1000:11210:1462915399275465:::P11210\\_INSTRUMENT\\_SORT:2](http://www.ilo.org/dyn/normlex/en/f?p=1000:11210:1462915399275465:::P11210_INSTRUMENT_SORT:2)

32- Decree number 13955.

33- An additional fund was created called “optional security” in 1993 but it has never been effectively implemented.

34- It should be noted here that during the Civil War new categories of workers were included to the security fund (such as taxi drivers or newsagents), but this expansion was the result of demands movements and not within the framework of general policies to expand the coverage of security systems.

### unpaid work

Women working in the informal sector suffer precariousness with the increasing number of women working in this sector. The Lebanese society does not recognize any economic value of responsibilities of welfare as well as productive and reproductive tasks that remain unpaid in a general context dominated by the patriarchal values and principles. In both cases, women are often without any kind of social protection.

The social security filing burden is borne by the employers, the filing remains optional for the self-employed while it is mandatory for employees. Total mandatory contributions are up to 23.5% of the wage, and the employer pays 21.5% of them, while 2% is borne by the employee. The security system is financed as a fund, unlike other systems that follow the principle of (Pay as you go).

The Fund enjoys financial and administrative independence even if it is under the tutelage of the Council of Ministers and the Ministry of Labor. Fund management consists of: Board of Directors including representatives from government, employers and employees; Secretariat which has executive powers; and a technical committee suggesting reports and proposals for fund the development<sup>35</sup>.

### The Fund includes four different sections:

- Sickness and maternity security<sup>36</sup>; covering the costs of medical care and including preventive and therapeutic services (previews, hospitalization, medication, lab tests and X-rays, maternity, etc.). It also covers the funeral expenses for the ensured and his/her family members. As for the Health compensation it is provided to the ensured when the employer doesn't pay his/her wages in the event of a temporary absence from work for health reasons. Maternity compensation is offered only in cases where the employer does not cover such leave.

35- International Labor Organization, Analysis of the Draft Law on the Pension Reform and Alternatives, Geneva (2003), p.16.

36- International Labor Organization, Analysis of the Draft Law on the Pension Reform and Alternatives, Geneva (2003), p.16.

- Emergency work and occupational diseases guarantee; which has not been implemented so far.  
Family and educational benefits system <sup>37</sup>;

This section provides additional assistance based on the needs to the secured “legitimate” wife who does not earn a wage and his “legitimate” Sons under the age of 18 and who are still pursuing their studies and the “disabled children with a disability» and single and unemployed daughters under 25 years old.

It seems clear that this law does not take into account the human rights approach to disability to use terms which do not comply with the standards set forth in the International Convention (Convention on the Rights of Persons with Disabilities in 2006) even if it is has not been ratified by Lebanon yet

#### «برنامج تأمين حقوق المعوقين» تقديمات Rights and Access Program

Following the recommendations of the national seminar on disability issues, which included more than 150 participants from non-governmental organizations, experts and representatives of relevant institutions in the public and private sectors, Law No. 243/1993 was issued. This law stipulates the public rights of persons with disabilities and the establishment of the National Committee for the Disabled.

Regarding the Disabled Right Insurance program, it has seen the light with the formation of the first national body for the disabled in 1994 Law No. 220/2000, which replaced Law No. 243/93 shifted dealing with the issue of disability from purely “charity” work to a work based on the rights and duties. This program is based on:

- The adoption of the International Classification of Functioning, Disability and Health of the World Health Organization
- The issuance of individual disability card: This card aims to facilitate the needs of quantitative and qualitative evaluation to the persons with disabilities in Lebanon and to ensure the enjoyment of their rights. In addition, this card allows the holder to benefit from all the rights and benefits provided for by the laws and decrees in force in Lebanon.
- Coverage of technical aids and other specialized services which target to coordinate with all the public coverage institutions in Lebanon.

It must be pointed out that the rights of the disabled insurance program is a pilot project aimed at creating harmony between the plans for the existing social security and employees of civil service and other plans, which sheds the light on the procedure and provides the availability and access to services.

37- /Decree 2957 dated 10/20/1965



## Gender Approach to Social Security: between positive and negative discrimination

Social security systems were designed in many countries, in order to reduce the gaps between women's paid work and their «role» in maternity care. Typical pilot measures have been taken in this regard, such as maternity leave and early retirement, but often this "positive discrimination" is offset by other measures that affect the rights of women in disguised ways, and the application of these systems can sometimes discriminate against them.

In the case of polygamy sick compensation concerns only the first wife. The Social Security Act implicitly addresses women as mothers and not as workers, as it includes large benefits incentivizing her to get married and have children, such as early retirement in the event of her marriage, and in this case, often the husband put pressure on his wife to withdraw her compensation, which enhances women vulnerability and increases their subordination to their husband. As for employers they often drag women employees to resign after they get married to avoid paying compensation and maternity leave.

And thus the Social Security Act constitutes an impediment to changing mindsets and confines women in their traditional role being perceived as "housewives" only. It also contributes to strengthening the dependence on men, whether a parent, brother or husband, in this case, women's rights are considered as deriving from men's rights. In this context, it's difficult to consider women as breadwinners for their families as the social security system is designed according to the model of "men breadwinner" where the man is the "Lord of the family" while the woman is responsible for the unpaid care work. The law also does not allow men to get paternity leave upon the birth of their child, or when he is sick. It should be noted that the law restricts the beneficiaries to the "legitimate" wife and "legitimate" boys, which marginalizes children who are born out of the wedlock

This entails:

- The Recognition that maternity leave is among the humanitarian values and a social function part of the human resources of the community, and the community shall participate in bearing her.
- The distinction between maternity leave itself and the leave needed to take care of the children, there is still a confusion which requires to be removed from the minds and texts.
- The unification of Maternity leave and ensuring its compliance with international provisions

## End of service indemnity system<sup>38</sup>;

Those who benefit from the end of service indemnity are the workers in a professional activity subjects to the branch end of service indemnity and these are:

- Lebanese long term and short term workers as well as apprentices working for a Lebanese employer or a foreign one or more.
- Lebanese wage earners who are not associated with a specific employer, who work in sea sector and in the ports. The date of beginning of benefiting from the branch of the end of service indemnity for this category is 02/01/1970.
- Foreign laborers working on the Lebanese territories and associated with one or more employer provided they possess a work permit and they belong to a state which recognizes the Lebanese principle of equal treatment with nationals regarding social security.
- Article 50 of the Social Security Act specified the conditions to be provided by the employee subject to the end of service indemnity to deserve the compensation. These conditions relate either to the number of years of service of the secured (at least twenty years) or his ability

38- Decree number1519 date24/4/1965

to work (injury deficit at a rate of at least 50%) or family-cum (like the secured who leaves her work during the 12 months after her marriage) or his age (reaching 60 or 64 years) or his presence (such as death).

For retirees, the Lebanese system adopted the method of individual capitalization, which is based on the compilation of contributions paid by the employee in a personal account which accumulates statutory interest determined by the Fund without allowing the redistribution of resources across generations or for the benefit of the most marginalized groups. When the employee is entitled to compensation s/he will be paid the accumulated amount in the account either at once or a lifetime income calculated according to the amount of accumulated contributions and to the age of the employee. However, the Fund has not yet implemented the latter type and provided only end of service compensation in a single batch.

It is worth mentioning that the social security system provides very limited services for the elderly as health insurance stops upon retirement, which means when it's mostly needed by any man. The social security in Lebanon can be characterized as a temporary safety net covering the secured only through his years of work. This raises the problem of the absence of a comprehensive safety net for the elderly, who represent a fragile segment of the society. In contrast the retired people from the public sector has a comprehensive coverage and the liberal professions unions (lawyers, engineers) established special regulations extending coverage beyond retirement

The social security system in Lebanon is limited to provide a type of "insurance" for individuals without addressing the redistribution of income to the most vulnerable groups. This leads to a limited coverage and leaves a large segment of the population even without any kind of health insurance.

## 2) State employees' cooperative

The State Employees' Cooperative (CDP) was

founded in 1963 under a bill of law put into effect by decree No. 14273 . The cooperative includes all workers in all public departments, including the judiciary and the Lebanese University with the exception of the military and the elements of the internal security forces and public security and civilian personnel attached to them, but this system excludes the contracting employees with the state.

The associates and beneficiaries from the cooperative benefit from services including:

- 90% compensation of medical consultations and hospitalization costs,
- Scholarships,
- Social services (marriage, death, birth)
- End of service compensation or retirement pension.

## 3) Social protection for non-civilian sectors

Provides the following services:

- Medical Consultation and hospitalization allowance
- Scholarships,
- Social services (marriage, death, birth)
- End of service compensation or pension.

It is estimated<sup>39</sup> that 58% of the population do not have the ability to access to health insurance, and as a result, the state is one of the many actors in the community, which represent the biggest body for wider social care in Lebanon. The bodies which control in fact on social security in Lebanon are non-governmental organizations and basically private charities and local organizations. This sector has broad and free authority in the formulation of programs, in the context of lack of coordination between these organizations. Besides, the wide parts of the social services provided by the Ministry of Social Affairs are distributed to the population through these local organizations.

39- 2000, op.cit.

## Migrant domestic workers

The work as “domestic workers” is excluded from the provisions of the Lebanese labor law under its article VII and hence women working in this sector who are mostly immigrant fall outside the protective framework of workers stipulated in this law as the social security act. Due to this exception there are no longer any basic rights for immigrant domestic workers, such as the minimum wage and the right to change the type of her work and her employer, hours of work and specific retreat, leaves for holidays, weekly, annual and sick and the right to social security and retirement. The exclusion of the domestic workers from the provisions of the labor law stems from the philosophy and mechanisms of the patriarchal system which does not recognize the economic value of domestic work. This is based on the assumption that domestic work and care of children and the elderly are the tasks within the inherent “natural” role of women. Many studies revealed women’s inability to join the labor market because of these tasks burdening them alone. Consequently, when they work outside the home, they are either forced to work double to complete domestic work or employ domestic workers to do it. Thus we can conclude that there is a great economic need for migrant domestic workers at the same time the status quo keeps denying their most basic rights at work.

What has become known as the Kafala system is the only legal framework governing the establishment and work of immigrant domestic workers in Lebanon, where it imposes on domestic workers to have an exclusive employer having a great authority over their legal status in the country and their freedom of mobility in the country and the transition to a new job. In addition, the existing system allows employers to exert extraordinary control over these women working in their houses, something completely prohibited by the labor regarding any other kind of workers, like confining the domestic worker’s freedom in the place of work/family house and preventing her from communicating with the outside world even the days of her holiday in case she has any, and the confiscation of her passport and residence papers, which is a clear violation of the provisions of the Lebanese Penal Code, as well seizure her wage or not regularly paying it. Employer may also use some tactics to force the domestic worker to work, such as the verbal and physical threat, sexual violence, or even haphazardly accusation of felony theft. In addition to the racist behaviors and class hatred used against them as a result of being poor immigrant women from countries relying on Lebanon, to proceed the remittances from its expatriate citizens

### Section III: effects of the crises and wars on the reality of social security coverage

Observers often denounce the situation of social security systems and attribute its humble performance to many practices such as corruption, nepotism and clientelism and lack of efficiency, etc<sup>40</sup>. Regarding the general policy level the state intervention level remains humble with the legacy of the pre-civil war era and the dynamics of the war influence

#### “Shihabi” Inheritance

The President Fouad Chehab (1958-1964) is considered as the founding father of the social protection systems in Lebanon, during his era the public institutions were created (such as the Ministry of Planning and Social Development Office) in order to “develop” the Lebanese society. Shihab was influenced by development and modernist ideas of the father Obera<sup>41</sup>. But his ambitious project didn’t hold and collapsed with the onset of the Civil War. During the Shihabi era a good number of “development” associations proliferated with the support of the Ministry of Labor and

40- Kamal Hamdan, « The Social in Lebanon reconstruction: elements for thought», Maghreb Machrek, n° 169, (2000), pp. 55-69.

41- Obera previous source.

Social Affairs, which was founded in 1952, and played a development and social role along with the state

### The impact of wars

The civil conflict (1975 - 1990) strengthened the control of the political parties and militias on areas of local influence and which developed different systems for social services<sup>42</sup>. Some militias and political parties established a war economy through the creation of a parallel tax system. In this context, the Lebanese Forces implemented what was called at that time “social solidarity institutions”, the Progressive Socialist Party founded a similar system within the “civil administration of the mountain”<sup>43</sup>, in the southern suburbs and the South Amal Monument and then Hezbollah provided a number of social services<sup>44</sup>. These partisan initiatives were established along with a network of charitable organizations affiliated to some political and religious figures, such as the «charitable trust” which was founded by Mr. Mohammed Hussein Fadlallah, the Islamic Charitable Purposes (though it was founded for more than a century before the war)<sup>45</sup>, Rene Moawad Foundation, Hariri Foundation<sup>46</sup>, in addition to religious institutions, such as the Maronite League. Often the role of these institutions comports with the state role, as many of them founded the cooperative relationships with some of the ministries (such as “Ark Ann Sial” Foundation and its work on the issue of

42- For more information: Judith Harik, « The public and social services of the lebanese militias », Papers on Lebanon, Oxford, Centre for Lebanese Studies, n°14 (1994).

43- Isabelle Rivoal, “Baakline, from the civil administration of the Mountain to the municipal renaissance. Reflexion on the local power in Lebanon», in Agnès Favier, Local powers and municipalities in Lebanon, (Beirut : The Notebolls of CERMO, 2001) n°24, p.319-338.

44- To read more about the social institutions of Hezbollah: Myriam Catusse, Joseph Alagha, « Social services of Hezbollah. War effort, religious ethos and political ressources », in Mervin S. (dir.), Hezbollah. State of Play, (Paris, Actes Sud, 2008), pp. 123-146.

45- Michael Johnson, Class and Client in Beirut: The Sunni Muslim Community and the Lebanese State 1840-1985, (Londres, Ithaca Press, 1986).

46- To read more: Rana Jawad, “A Profile of Social Welfare in Lebanon: Assessing the Implications for Social Development Policy”, Global Social Policy, (2002; 2; 319).

disability). It would not be an exaggeration to say that the civil war has contributed greatly to institutionalize the work of associations at the social level and this role has been fostered in the context of repeated Israeli wars<sup>47</sup>

### Segmentation and fragmentation of social rights

The Lebanese perceive the social rights as being fragmented and based on fragile and clientelist relationships with public authorities, which creates social inequalities between citizens and hinders the building of confidence in public institutions and in the concept of “state.” The state is not entirely absent from the social areas; its intervention is noticeable in social areas through the ministries of education, employment, health and social affairs, and even through the Ministry of Defense, which owns more than thirty health centers. But that leads to tangle in the sectors of intervention and to the fragmentation of social institutions (more than 12 funds and according to Miriam Katos study), there is no equality in the services provided to the secured patients and the categories that classify them. The Protection systems have not been built on the principle of solidarity, but are set up to divide people into different categories, and contribute to the undermining of collective expression, which can give birth to massive protest.

In this context, we note contradiction between the governmental bodies overseeing the securing parties, The Ministry of Labor, for example, is the guardian of the enterprise fund, which is managed by a board composed of twenty representatives from trade unions and six members, appointed by the Council of Ministers. In another field, the Ministry of Interior, oversees the Security Forces

47- Solidarity movements following the 90s attacks.: Karam Karam, The civil Mouvement in Leba. Community Claims and protests and mobilization in the post-war, (Paris, Karthala, 2006).

On movements on what we call July war”: Candice Raymond, 2007 « Samidoun, 33 days of civil mobilization in Beirut » in Elisabeth Picard, Franck Mermier (dir), Liban : a 33day war, (Paris : éd. La Découverte, 2007) , pp. 58-65 ; Marie-Noëlle AbiYaghi, The Global Justice Mouvement in Lebanon :a passage activism . Commitment and reconfiguration rational of the militant space (left) in Lebanon, Université de Paris1-La Sorbonne, PHD in Political Sciences, (2013).

Fund, and the Presidency of the Council of Ministers run the employee cooperative. In the absence of coordination mechanisms between the various “service providers”, the beneficiaries find themselves in a situation where conditions where health coverage vary in receiving treatment and medication or for administrative and financial treatments.

Public debate flared, for a few years, about the role of the Ministry of Health, which is often accused of incompetence or corruption. Long queues of patients outside their offices and the offices of the Social Security Fund, and delayed payment of medical and hospitalization compensation, point to the inefficiency of the current system.

As for the coverage provided by the Ministry of Health, which is not recognized by the security funds, its costs are “uncontrolled”<sup>48</sup> and paid to each individual case separately, as it is directly funded from the general budget. In addition to the common practice, of over-billing the expenses of hospitalization, due to the complete absence of accountability. We cannot lose sight of the disparities in the provision of health services by geographical area, precluding the possibility to provide for everyone equal health care, in addition to neglecting the integration of sexual and reproductive health policies in any planning of the right to health.

Public initiatives are also based on special ad hoc institutions during the civil war, which are funded by taxes, but enjoy broad financial and administrative independence, without making its activities subject to control by the parliament or other political institutions. In practice, these institutions have been associated closely with certain individuals or political groups, including: the Council of the South, which was established in 1970, or the Displaced Fund (1991) and the Council for Development and Reconstruction (1977). There have been many criticisms about the first two funds in particular with regard to their use for purely political purposes; some analysts described them as “political safety nets” rather than a “social safety nets”<sup>49</sup>. As for the latter fund,

48- Myriam Catusse, op.cit.

49- Adib Ne'meh, “Slipping through the cracks: Social Safety nets in Lebanon”, The Lebanon Report, n°2, sum-

mer (1996).

analysts described its work and the recruitment process by political “quotas”<sup>50</sup>.

Most studies have indicated that these systems contribute to strengthening the individuals' vulnerability through deploying clientelist relationships and dependency<sup>51</sup>.

### Families

The program was launched in response to a remarkable priorities series of social action plan presented by the Lebanese government to “Paris 3” conference. The aim of the operational plan of the program is to build a national database of poorer families base within a specialized information system, built on the basis of “scientific” principles and criteria, in order to provide assistance to these families through “re-drafting of the national system of social protection,” according to the website of the initiative. The program is cofounded by the Lebanese government and the World Bank, and the Ministry of Social Affairs has equipped 96 centers of development service centers distributed all over the areas, to receive citizens' requests. The Assistance package provided for families services include the following: free hospitalization, primary health care and securing the necessary medicines, and exemption of children of these families from the registration fees in public schools at all the different grades, vocational training, and textbooks, as well as exemption from electricity charges.

There were many observations and positions about this initiative due to the fact that the scourge of poverty and social state cannot be mitigated through the temporary support for some families; the duty of the state requires policy-making in order to reduce the gaps and redistribute the income.

In addition to these institutions, the extended family is still a basic safety net, but the phenomena of “civility” and “individualism” hinder the “traditional” solidarity initiatives

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mer (1996).

50- Reinoud Leenders, 2004, “Nobody Having Too Much to Answer For: Laissez-Faire, Networks and Postwar Reconstruction in Lebanon”, in Steven Heydemann (ed), Networks of Privilege in the Middle East: The Politics of Economic Reform Revisited, (Palgrave/Macmillan, 2004), p. 182.

51- Thierry Kochuyt, « Misery in Lebanon : an impoverished population, little state and several underground solidarities », Revue Tiers Monde, (n°179, 2004), p. 515-535.

## shortcomings of social protection systems

Social security systems exclude workers in the informal sector and migrants, refugees and workers in small businesses and self-employed and independent workers.

It should be mentioned here that there is a gap between the coverage planned in the law and the actual coverage; often many workers are not declared not to activate the control systems, which turn a blind eye on the situation

## Section IV: Recommendations

The social protection in Lebanon is based on the belief that it's a service and charity care and not a principle of human rights.

In this context, there is a need to redefine the concepts and principles upon which the social contract is based in Lebanon:

1. Ratification of international instruments that deal with social protection and economic rights especially trade union rights.

2. Development of a comprehensive vision of social protection dedication social justice under within a development model focusing on balanced development promoting modular, efficient and accountable institutions, that take into account the economic policies that contribute to justice through creation of jobs fostering productive capacity and correcting imbalances in the Balance of payments, and tax policy that will ensure the continuity of programs and wage policy that enhance consumer capacity.

3. The fact that the right to social protection is part of redistribution policies, and therefore, the programs and services funding shall be done through the dedicated and sustainable resources, which is based on the equitable distribution of wealth principle.

4. The structural change in the approach and the shift from the concept of social protection networks and Targeting Programs and cash transfers; to consider economic protection programs as a component in a broader development strategy aiming at achieving social justice and the realization of human rights. It's worth stating that the social protection system

is not a cash crop, but it's rather a duty and an obligation of the State to its citizens to provide protection and dignity at different stages of their lives. And the needs to unite the social protection programs and ensure equality of services and coverage of all the population segments.

5. The need to reconsider the role of the state with respect to the relationship with other partners in order to lead a social dialogue between the various economic and social components, including representatives from the business sector, and civil society organizations, trade unions, and women's, youth and cultural movements, and those of persons with disabilities; what contributes to determine the role of each of the parties in the development process, and social protection.

6. The need to increase social spending ratio of total government spending, to link the reform plans by adopting and implementing a comprehensive and integrated social policy. To ensure adequate funding for social protection policies, it should be based on sustainable economic choices, and effective tax policies (and the enhanced governance in addition to the restructuring the support system.

7. The adoption of social policies ensuring the elimination of discrimination against women and integrating them within the society and the eliminating gender gaps .

8. The adoption of social policies ensuring the inclusion of the Palestinians refugees.

9. The adoption of policies dealing with crisis preparedness and crisis absorption in order to secure the social safety and to meet the needs of the increasing numbers of people affected by this crisis. It is important here to ensure the linkage between effective response for emergency crisis like humanitarian interventions \ and social protection systems in particular concerning the refugees and displaced persons, and in particular after repeating wars in Lebanon, and Syrian refugees for what is happening now

In particular:

1. Rationalize the management and organization

of social security systems.

- Unify coverage systems (the guarantors) and funds, and ensure equal services and coverage for the entire population.
- Restructure and modernize the administration of the Ministry of Health.
- Submit the fund management to binding standards and transparent mechanisms and continuous monitoring.
- Combating waste and rationalization of expenditure.
- Control of employees declaration-evasion.
- Facilitate treatments and compensation methods through the creation of a health card.

## 2. funding

- Reform of the funding system to make it in solidarity at the national level.

## 3. Legislation

- The development of comprehensive social protection policy based on the principle of prevention so as not to be limited to the therapeutic principle.
- The Creation of a system to protect aging, urgently.
- The Creation of a time-limited system of unemployment compensation.
- The protection of the laws from any discrimination based on gender, disability ... etc.
- The increase of the scope of coverage to include the most vulnerable groups, and employees in the informal sector to formalize their economies, and foreign workers and in general immigrants who are economically active, regardless of their economic status (employee, businessman, etc.): The non Lebanese associated to social security, and who contribute to the funding of sickness and maternity branch guarantee without benefiting from it. It is noteworthy that all Palestinian workers and their employers are obliged to pay 23.5 percent of their monthly salary to the National Social Security Fund of the three branches: sickness and maternity security branch, and family and educational benefits and end of service compensation. But Palestinian workers do only benefit from the end of th service compensation, and it's a

lump sum they earn at their retirement. This law enshrines this violation of the rights of the Palestinians

