

# COUNTRY STUDY

## LEBANON

# Social Protection Monitoring

The EU-Lebanon partnership should support the Lebanese government:

- In strengthening the regulatory role of the state in the provision of essential services, defining the role of the different public and private stakeholders, monitoring their performance thus rooting out corruption and waste, and enhancing the effectiveness of the administrations.
- In enhancing the quality of public education, through developing a new unified curriculum, establishing and implementing quality-oriented strategies especially for public schools in rural areas and adapting the school environment to the basic needs of children and people with disabilities
- To focus on the core problematic of the right to work, namely the lack of a comprehensive employment policy in Lebanon. To introduce the necessary amendments to the Labor Code and apply resolutely the Labour Law in terms of ensuring workers' rights and improve working conditions
- In promoting a rights-based approach to Social Protection, shifting away from the belief that it is a service and charity care and not a principle of human rights and adopting a sustainable development-oriented socio-economic policies.



نحو المواطنة  
nahwa al-muwataniya





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## EXECUTIVE SUMMARY

The socio-economic impact of the influx of Syrian refugees has made itself felt in Lebanon, in the provision of basic services (health and education) and in the employment sector. SOLIDAR's members and partners in Lebanon also highlight the limits of the regulatory role of the State in basic services, on the one hand, and the lack of governance and administrative accountability, on the other. Other issues to be dealt with include the lack of universal coverage in social security programmes and restrictions on freedom of association and collective bargaining rights. SOLIDAR members and partners in Lebanon stress that the EU-Lebanon partnership should strengthen the regulatory role of the State in the provision of essential services, enhance the quality of public education, foster a comprehensive employment policy in the country and, finally, promote a rights-based approach to Social Protection, by adopting sustainable, development-oriented socio-economic policies.

### Most urgent issues to be tackled

- **The strong socio-economic impact of the influx of Syrian refugees in Lebanon** on basic service provision and the employment sector, increasing workers' vulnerability, and social unrest and instability. The lack of access to quality services (education and health) for the most vulnerable and marginalised groups and for the Syrian refugees.
- **Accountability and governance:** limitations to and the shortfalls of the regulatory role of the State in health, education and the Water Sanitation and Hygiene (WASH) sectors, and of the role of the different public and private stakeholders, corruption and lack of governance and administrative accountability.
- **Lack of universal coverage and the fragmentation of social security programmes** leaving out the

majority of vulnerable and marginalised groups

- **Limits to freedom of association, peaceful assembly and the right to form a trade union.**

### Key recommendations

The EU-Lebanon partnership should support the Lebanese government:

- **In strengthening the regulatory role of the State in the provision of essential services**, defining the role of the different public and private stakeholders, and monitoring their performance thus rooting out corruption and enhancing the effectiveness of the administration. While the EU promotes the role of the private sector in essential services, through Public-Private Partnerships, it is important to consider the social and human rights dimensions of water, maintaining public water by reforming policy and legislation to improve water quality and sustainability, and cease treating water as an economic good to gain profit at the expense of protections for marginalised and vulnerable populations;
- **In enhancing the quality of public education** through developing a new unified curriculum, establishing and implementing quality-oriented strategies especially for public schools in rural areas and adapting the school environment to the basic needs of children and Persons with Disabilities (PWDs). Enhance reforms to increase and maintain enrolment rates, reduce and reinsert dropouts, giving incentive premiums for teachers to serve in poor areas, establishing continuing education programmes for teachers, and expanding the existing educational infrastructure.
- **In promoting employment generation, by focusing on the core problematic of the right to work: the lack of a comprehensive employment policy in Lebanon** and support for productive sectors that generate employment are core challenges. Introducing the necessary amendments to the Labour Code and ensure the full application of



Labour Law in terms of ensuring workers' rights and improving working conditions. Ensuring that waged labour provides for an adequate standard of living for workers and their families. Initiate a review of the minimum wage; amending law 129/2010 in order to cancel work permits and grant Palestinian refugees the right to practice a liberal profession. Enacting the necessary decrees and amend law 128/2010 so that it allows Palestinian refugee workers to enjoy their full right to social security.

- **In promoting a rights-based approach to Social Protection**, shifting away from the belief that it is a charity and not a human right. In this context, there is a need to redefine the concepts and principles upon which the social contract is based in Lebanon. This should be enhanced through the promotion of the ratification of international Human Rights and ILO conventions, and by adopting **sustainable development-oriented socio-economic policies** that contribute to justice through the creation of jobs, thereby fostering productive capacity and correcting imbalances in the balance of payments, and a tax policy that will ensure the continuity of programmes and a wage policy that enhances consumer capacity.

## LEBANON

### Social Protection Monitoring

#### Improving equitable access to essential services and infrastructures

Ensuring equitable access to and the availability of essential services and infrastructures is an obligation for Lebanon deriving from the **core international human rights treaties that Lebanon is party to, including the ICESR**. These obligations have not been met in Lebanon and necessitate rights-based

social and economic policy reforms. The European Commission's ENP progress reports highlight the impact of the Syrian crisis on the Lebanese health system, electricity and water provision, worsening structural State imbalances and deficiencies.

In this regard, SOLIDAR members and partners in Lebanon have pointed out that the major problem in Lebanon remains **the poor quality of health services, the accessibility and affordability of the health care system in light of the expansion of the private sector and the weak regulatory role of the State**.

While the European Neighbourhood Instrument (ENI) programming document prioritises the enhancement of social protection and health care provision, **53.3% of Lebanese remain outside any structured health coverage system**, and the coverage criteria are unclear and leave room for favouritism. Several other challenges face the health care system, namely the delay in reimbursements from the National Social Security Fund (NSSF) and the variance in coverage rates among different funds. **Coverage is more of a challenge for vulnerable groups, as the delay in the implementation of law 220** leaves people with special needs uncovered. The elderly suffer from the absence of an old age pension system, as NSSF coverage stops at retirement, when the need for care is the highest.

In addition to the disease prevention measures noted in the progress report, it is important to highlight that the year 2014 witnessed an impressive enhancement in the Ministry of Public Health (MoPH) audit role focusing on food safety and quality of services. There is still an urgent need **to adopt regulatory laws, reactivate the role of regulatory bodies, and fill the vacancies in health inspector positions**. The ENP Progress Report considers the appointment of new boards to the hospitals as an achievement but does not focus on the **structural problems created by the discrepancies that exist between regions in terms of the number of beds, availability and quality of services**,



and percentage of people covered.

While funding for the health sector is important and can result in short-term relief and protection for refugees, **long-term solutions are still needed to meet Palestinian refugees right to healthcare in Lebanon, as Palestinian refugees are not allowed to access the services of the Ministry of Public Health (MoPH) such as free hospitalisation, and chronic and incurable diseases medicines**, which is a violation of Lebanon's obligations as a host country and its duty towards the international community. Moreover, Palestinian refugee camps in Lebanon suffer from inadequate infrastructure which leads to an unhealthy environment and causes chronic and serious diseases.

**The right to water and enhancing the provision of water services is an important essential service and human right.**<sup>1</sup> Although Decree No.144/1925 considers water resources a public domain, **the Lebanese government has no public policy or unified legislation to regulate the management of water resources. It lacks capacity to secure water services for its citizens such as drinking water, irrigation and wastewater treatment, and 80% of public water supplies are polluted at source or during distribution.**<sup>2</sup> Furthermore, **the plans to privatise public-water services ignore the human right to water**, and that this right includes the right of everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use.

In terms of access to education, while the ENI highlights the relation between the education and labour market and the ENP Progress Report considers improving education as a measure to counter radicalisation, the core problem in education in Lebanon remains the huge **disparities between the quality of the public system and private education that are not tackled by the partnership**. Indeed, such

1 HIC-HLRN, Reclaiming Public Water[Arabic] (Cairo: HLRN April 2008), at: [http://hlrn.org/publication\\_det.php?id=pXE=#.VQGCn-dLLeDo](http://hlrn.org/publication_det.php?id=pXE=#.VQGCn-dLLeDo).

2 These plans include the project "Blue Gold," engaging a French private-sector company (Ondeo) to manage water resources

discrepancies exacerbate inequalities and violate the right to education. There is inequality in access to quality education in Lebanon at all levels, between the different income groups. This is mainly due to low public sector spending on education, resulting in low-quality education opportunities for poor families, as they are unable to afford private sector schools and universities.<sup>3</sup> The lack of adequate resources for education adds to this problem, as **public spending on education is constantly falling in Lebanon and 85% of the education budget is spent on wages and salaries**. The focus must therefore be on improving the quality of public education through developing a new unified curriculum, introducing a dropout prevention programme, and establishing and implementing quality-oriented strategies especially for public schools in rural areas.

As in the health sector, the education sector has been further challenged by the high influx of Syrian refugees, as well noted by the ENP Progress Report. In 2011, the Ministry of Education and Higher Education offered free and open access to Syrian refugees to public schools, but it is estimated that more than 50% are still not enrolled. Moreover, the public schools where the majority of Syrian refugees are enrolled are in Lebanon's most underprivileged and remote areas, where the quality of education is already low. In addition to physical infrastructure problems, the educational difficulties relate to the use of a foreign language in teaching some courses and to the differences in the curriculum.

The ENP Progress Report sheds light on the granting of certificates in 2014, which is considered as a threat to the quality of the higher education system. Nevertheless, the cancellation of the official exams by the government, and granting pass certificates to all students highlighted another significant problem, as it came in response to demands by the Union Coordination Committee<sup>4</sup> (UCC) for the ratification of

3 ILO, Towards Decent Work in Lebanon, 2015: [http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms\\_374826.pdf](http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_374826.pdf)

4 The UCC is a coalition of public sector workers and teachers.



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a new salary scale for public sector employees. This incident should not be considered only as a problem of the quality of education, but also as reflecting the **lack of fair employment standards that guarantee teachers their rights, in particular good salaries, and that ensure continuity in their work.**

### Ensuring Income Security

Despite Lebanon's obligation to ensure employment with remuneration that enables workers and their families to enjoy an adequate standard of living as stipulated in article 7 (a) (ii) of the ICESCR, the minimum wage in Lebanon is now set at only 675,000 Lebanese pounds (EUR 404.27). Political, commercial and financial authorities refused the proposal submitted by the former Minister of Labour, Charbel Nahhas, to fix a minimum wage amounting to 890,000 Lebanese pounds (EUR 526.93) including the transportation allowance. The last amendment to the minimum wage was made in 2012, and the Cost of Living Indicator Committee has not held enough meetings in the last few years to assess price. According to the General Confederation of Labour, the inflation rate for 2015 is estimated at 38% according to cost of living indicators. These indicators suppose an increase in the current minimum wage.

As noted in the progress report, the socio-economic impact of the huge influx of Syrian refugees in Lebanon is acutely felt in the employment sector, increasing workers' vulnerability. At present, there is no consistent data on the percentage of Syrian refugees in employment, but available statistics range from 17% to 33% of the population group<sup>5</sup>. Many of these refugees are skilled workers but remain subject to exploitation by Lebanese employers (unregistered refugees' labour rights are not protected, with no regular payment, lack of decent working conditions etc.). In addition there has been increased stigmatisation against migrant domestic workers in Lebanese local media.

<sup>5</sup> UNHCR 2014a Syria Regional Response Plan mid-year update, as quoted in Lebanon MDGs Report 2013-2014

Poverty in Lebanon is on the increase, partly due to the influx of Syrian refugees. The strategic response of Lebanon is to focus on the National Poverty Targeting Programme. Yet the **intergenerational transfer of poverty cannot be addressed by targeting only specific segments of society and improving the income of the poorest families. Poverty can best be addressed by ensuring the full enjoyment of economic and social rights including clean water, energy, public transportation and housing as well as health and education including free schooling, the accessibility and availability of these rights, without any discrimination.**

### Promoting a Rights Based Approach to Social Protection

The Lebanese Social Security system has serious shortcomings in terms of coverage and due to the prevalence of the informal economy, leaving a significant number of the Lebanese population outside of formal social protection. About 38% of the Lebanese population do not benefit from any type of health insurance<sup>6</sup>. SOLIDAR members and partners point out that health care spending and education and retirement benefits, family allowances and assistance for Persons with Disabilities are still not available to a large proportion of the population. About 40% to 50% of the Lebanese population are not enrolled in the National Social Security Fund, 40% of them are outside any health insurance system, while only 8% have contracts with private insurance companies. Law 2000/220 constitutes an important step towards the protection of the rights of Persons with Disabilities, yet after 15 years, no decree has been issued. Moreover, the State has not yet ratified the International Convention on the Rights of Persons with Disabilities. As a result, the **most vulnerable members of the population, such as the elderly and people with disabilities and the unemployed and foreign workers,**

<sup>6</sup> ILO, Towards Decent Work in Lebanon, 2015: [http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms\\_374826.pdf](http://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_374826.pdf)





women and farmers remain outside the framework of coverage of the most formal social protection systems. In fact most social expenditure actually falls on the individual, families and private institutions, such as civil institutions and non-governmental organisations due to the absence of a centralised system of effective social protection.

An important issue to be tackled under the protection of women's rights in Lebanon relates to **Syrian refugee women**. Syrian refugees started flowing to Lebanon to flee from war from the beginning of the Syrian crisis. Women comprise 52.5% of the total number of refugees in Lebanon, and they are exposed to various forms of violence and exploitation. As noted in the progress report, the failure of Lebanon to join the Convention on the Rights of Refugees does not negate the responsibility of the State towards the refugees found on its territory in terms of acknowledging their rights and providing them with the proper shelter and protection. Female refugees in Lebanon are suffering from serious health issues<sup>7</sup>, including an increase in premature birth rates and its complications such as acute bleeding and weakening of the immune system. This is a result of the lack of care prior to the birth upon arrival in Lebanon, due to the inability of the health sector to provide the necessary services (insufficient financial resources).

Given the increasing allocation of resources for refugee related projects, it is important that the partnership **enables full coordination between the Lebanese government and donors to ensure equal access for refugees to health services.**

While ENP progress reports have addressed Palestinian's working conditions and violations of the right to work they face, it should be noted that in terms of social protection they are also deprived of their rights. Palestinian refugees have to pay full social security contributions, knowing that they only benefit

<sup>7</sup> Yale University, "Study details health problems faced by displaced Syrian Women in Lebanon", 20 February 2014, available at: <http://bbs.yale.edu/about/article.aspx?id=6920>.

from the end of service indemnity; their entry to the labour market is restricted; they are still deprived of family allowances, comprehensive health and maternity leave cover.

### Freedom of Association and an enabling environment

While the ENP Progress Report recognises the new legislation on domestic violence, it is important to note that there has been intensive campaigning to demand amendments to the final version of the law, as the final text adopted does not ensure Lebanon's full respect and protection of women's rights. For instance, the final approved bill is no longer specific to women and women's protection is limited to the title and does not apply to the content. Moreover, the newly-approved proposal enumerates only a limited number of family violence crimes and does not cover all crimes mentioned in the Penal Code. The new clause in Article 3 establishes the religious concept that intercourse is a "marital right" in a civil law applicable to all Lebanese, and only criminalises the harm that comes with the act of coercion and not the coercion per se. The final text excludes children from the scope of protection when custody does not belong to the mother, according to the personal status laws. This means that a child who pays a visit to a noncustodial mother shall not be protected if during his/her stay the mother is subjected to her husband's violence. The approved bill restricts the mandate of issuing protection orders to the Judge in Chambers or the Investigating Magistrate, which means that women will incur a financial burden because lodging a complaint directly before the judge is very costly and in both cases women have to be assisted by an attorney at law.

In addition, little has been done to address inter-community tensions arising from the escalating influx of Palestinian refugees from Syria. Curfews are in effect in many towns and villages with varying concentrations of refugees. The suggested sector-based support (i.e. agriculture) is not sufficient to alleviate the tensions.





While the collective dimension of the right to work is addressed in article 8 of the Covenant, which stipulates the right of everyone to form trade unions and join the trade union of his/her choice as well as the right of trade unions to function freely, Lebanese labour law restricts the full enjoyment of this right. It distinguishes between the freedom to form associations and political parties and the formation of syndicates and unions, as the former require only a notification, while the latter require authorisation. The application to form a union is submitted to the Ministry of Labour which consults with the Ministry of the Interior. Moreover, laws in force require that unions' activities remain under the permanent monitoring and supervision of the Ministry of Labour. While women's affiliation with trade unions is high and ranges between 40% and 75%, the percentage of female participation on trade union executive boards is far below their percentage of total trade union members.

In addition, censorship and media regulation continue to restrict freedom of expression. The circumstantial use of existing regulations asserts its political nature. According to a report by Skeyes, a Lebanese media freedoms monitor, several journalists and bloggers were subpoenaed and subjected to questioning due to their published political opinions. Political parties have used the defamation article of the Lebanese penal code to restrict freedom of expression. As such, attention should be focused on reforming the penal system to comply with the provisions of covenants and instruments related to freedom of speech.

With regard to the role of civil society, the ENI programming document indicates more resources allocated and Road Maps for better engaging CSOs. Yet the later focuses mostly on their watchdog role and the level of implementation (on sectors prioritised by the EU), even though the ENP Progress Report also points to the fact that effective CSO engagement in policy making is missing. This approach should be revised in order to establish a genuine partnership

with civil society. The partnership should create a better enabling environment for CSOs to engage in policy-formulation, programming, implementation, monitoring and evaluation. Inclusive, transparent and participatory processes should be implemented within the partnership. Consultations and dialogue with CSOs should be broadened to include diverse levels (national, sub-national etc) and cover all sectors related to the partnership (trade, aid, human rights, environment, energy, etc.).

Allocation of further resources, principally in the humanitarian field should be evaluated. This is critical for immediate relief, BUT financial resources also need to be made available for CSOs working in policy-advocacy in Lebanon.

With regard to the tools and channels for dialogue at national level, the prolonged non-functioning of the Economic and Social Council is proof of the strong resistance to the institutionalisation of civil society participation in policy making. Another strong barrier is the political deadlock that is restricting the work of parliament and parliamentary committees. Civil society organisations have taken the initiative on several occasions and in several areas to draft legislative proposals, especially around social protection and political rights. However given the limited time parliament is in session, very little is actually achieved.

Another problem is the structured dialogue between the EU and civil society. The mechanisms are not clear to a wide range of civil society actors, outreach is limited, and frequency is below expectation, even at the micro level, in cases such as grant schemes. Finally there seems to be an inverse relationship between pressure for compliance with economic and social policy adjustments, on the one hand, and EU tolerance for violations of political and civil rights in Lebanon (The EU response to consecutive prolongations of the term of parliament legitimised the process).



While the ENI programming document aims to improve a structured dialogue between business associations / private sector organisations and relevant ministries, SOLIDAR's members and partners in Lebanon specify that the methodology and the indicators related to investment in entrepreneurship are not clear. In the case of supporting start-ups, especially in the ICT sector, there is no evidence of sustainability. Exploitation and unfair conditional support by the promoters is being reported within such initiatives (pressures to forgo intellectual property rights by entrepreneurs). This has had an adverse effect on the ICT sector in Lebanon as more innovators seem to seek opportunities in other countries.

Moreover, the private sector refuses to acknowledge the right of civil society, and especially that of unions, to participate in the development of economic policy, and its role to safeguard and monitor the performance of the private sector and the compliance of its activities with human rights principles.

The right to access information is a right stipulated by Article 19 of the Universal Declaration on Human Rights, and the International Covenant on Civil and Political Rights. **To date, Lebanon does not guarantee the right to seek, receive and impart information and ideas, despite committing to protecting this right.**

Established on 11 April 2008, the National Network for the Right to Access Information (NNRAI) undertook the task of drafting the "Right to Access Information" law, and the "Whistleblowers Protection" law, with the aim of promoting transparency and accountability, consolidating the rule of law and civil involvement in Lebanon through access to information and whistleblowers protection. The draft law on the right to access information has been recently approved by the joint committees of the Lebanese Parliament and transmitted to the General Assembly<sup>8</sup>.

SOLIDAR's members and partners in Lebanon explain

8 On 3 February, 2015

that in the few areas where access to information is indeed guaranteed, it remains mostly passive, i.e. individuals have to actively seek it, and in some cases go through a bureaucratic labyrinth to reach the information they seek. Some business owners reported that during the ongoing campaign by the Ministry of Public Health they asked for the list of criteria for compliance of products, but it was not readily available. The law for the Right of Access to Information remains behind parliament's closed doors.

Support for administrative reform requires clearer indicators, and greater transparency. The role of OMSAR should be advertised. The financial support that is given to OMSAR for the purposes of making people's lives easier must also be advertised. New regulations, procedures, if any, must be advertised. With the exception of the role of Liban Post in facilitating public services, it does not seem easier to get things done in public administration. On the other hand, accountability cannot be maintained when elections are postponed, constitutional council pressured and sabotaged, and the judiciary rests under the pressure of its political affiliation.

### Financing Social Protection

While total national expenditure on social protection and education is substantial, the vast bulk of it comes from private household sources, not the government budget. Moreover, much of public expenditure on social protection and education is channelled through private providers and non-governmental organisations.

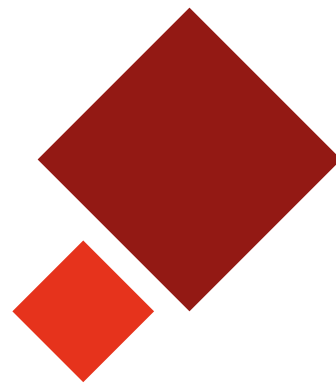




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SOLIDAR is a European network of membership based Civil Society Organisations who gather several millions of citizens throughout Europe and worldwide. SOLIDAR voices the values of its member organisations to the EU and international institutions across the three main policy sectors; social affairs, lifelong learning and international cooperation.



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