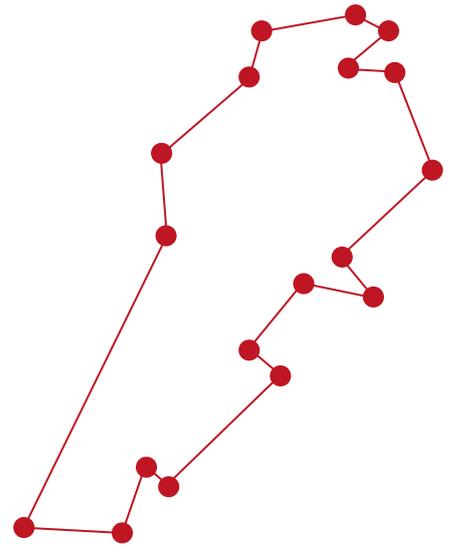


COUNTRY STUDY



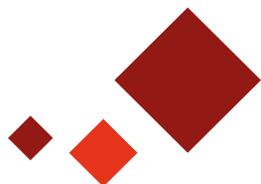
LEBANON Social Rights Monitor

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As part of the implementation of the Partnership Priorities and the Compact agreed between Lebanon and the EU, the EU should support the Lebanese government in:

- Reforming the public health system in order to ensure universal coverage to all people in Lebanon, including strengthening the regulatory role of the state in order to ensure the quality and accessibility of healthcare services (public and private) to ensure the full enjoyment of the right to health by all without any discrimination;
- Revising its social protection policy, particularly to consider it as a tool for addressing inequalities;
- Establishing a national development strategy centred on workers' rights, employability and decent work;
- Establishing economic empowerment activities to ensure Syrian refugees' access to productive resources;
- Ensuring the accessibility and availability of up-to-date and disaggregated data on labour conditions;
- Reforming the tax system in order to tackle the informal economy, stimulate demand for decent work and improve redistribution in Lebanon;
- Promoting civil society space and contribute to establishing a stable, open, dynamic and solidarity-based society considering that civil society can monitor and ensure accountability.



Introduction

This report assesses the overall situation in terms of social protection, decent work and civil society space in Lebanon. In particular, it tracks the progress that has been made since the implementation of the European Neighbourhood policy. Relations with the European Union (EU) started in 2002 with the adoption of the Association Agreement (which came into force in 2006), which aims at contributing to the political and economic development of Lebanon while ensuring stability and democracy in the country.

The revised European Neighbourhood policy of 2015 puts four main domains at the heart of the EU's cooperation with its Eastern and Southern Neighbours, namely (1) good governance, democracy, rule of law and human rights; (2) economic development for stabilization; (3) security and (4) migration and mobility. It is within this framework that the EU and Lebanon agreed on the Partnership Priorities and EU-Lebanon Compact in November 2016. The following more specific joint priorities were also adopted: (1) Security and countering terrorism, (2) Governance and rule of law, (3) Fostering growth and job opportunities, (4) Migration and mobility. The implementation of the Partnership Priorities and the Compact agreed between Lebanon and the EU should be based on a sound assessment of the current situation.

In order to assess the situation in Lebanon, consultations with civil society organizations, including SOLIDAR members and project partners, have been conducted within the seven countries covered by the project 'Decent Work, Social Protection and Freedom of Association in the Middle East and North Africa: Mobilizing for Social Justice by strengthening and promoting CSOs, social movements and independent trade unions' role in reforms and democratic changes'. Qualitative feedback was collected on the basis of a questionnaire, the so-called 'Social Rights Monitor' (SRM), offering room for civil society organizations to explain and provide input. This report summarizes the results and feedback received upon which recommendations are built.

Report

Social Protection

Social protection can be defined as a set of public measures, policies and programmes that are designed to protect, prevent and "transform" poverty and vulnerability across the life cycle¹. It seeks to guarantee 'access to essential goods and services, promote active socio-economic security and advance individual and social potentials for poverty reduction and sustainable development'². The ILO established the notion of social protection floors, which aims to promote access to services and goods that meets the criteria of availability, accessibility, acceptability and quality, ensure income security for children, persons in active age and persons in old age while ensuring the progressive achievement of higher levels of protection (increasing social potential and opportunities while reducing poverty). The latter criteria were used to assess social protection in Lebanon. The following issues were reported by the respondents to the social rights monitor.

Respondents reported that **access to healthcare** remains difficult for different reasons. Healthcare is not universal in Lebanon, with 53.3% of Lebanese remaining outside any structured health coverage system³. Despite the fact that public hospitals have been improved in some regions, the quality of healthcare is challenging. There is a visible quality gap between private and public hospitals, as the private sector has a big share in the health sector in Lebanon delivering more than 90% of health services. It is important to note that most people cannot benefit from private health services owing to their high price.

Healthcare coverage is more of a challenge for vulnerable groups. Palestinian refugees, for instance, are deprived of access to services provided by the Ministry of Public Health, including free hospitalization, provision of chronic medication and emergency health care. Taking into consideration the conditions

1. <http://www.ilo.org/public/english/protection/download/lifecycl/lifecycle.pdf> (pp. 13-14); <http://www.social-protection.org/gimi/gess/RessourcePDF.action?ressource.ressourceId=54887>

2. <http://www.ilo.org/public/english/protection/download/lifecycl/lifecycle.pdf> (p. 22).

3. https://alefliban.org/wp-content/uploads/2016/10/ALEF_Human-Rights-in-Lebanon_2015.pdf (see p. 42)

in the refugee camps characterized by poor and inadequate infrastructure; with drinking water often contaminated by sewage, high humidity, leaking and poorly ventilated homes, and waste collection points close to homes, the poor health conditions they face and the lack of access to healthcare services remain a big concern. An analysis⁴ of Syrian refugees' access to the healthcare system in Lebanon shows that it is focused on merely alleviating the symptoms of the health problems in question, rather than actually addressing their underlying causes. As such, the system is more curative than preventive and is fragmented.

Overall, **income security** in Lebanon is considered insufficient, making it very difficult to allow for consumption smoothing and to cope with shocks or risks. As far as social spending is concerned, it corresponds to 21% of GDP and concerns mainly health, education and social protection. The private sector covers the majority (15%), while the state covers only 6%⁵. It is important to note that although social spending is high, the results remain below the required level. Several aspects of social protection remain a challenge for implementation, further impacting income security. For example, in 2014, amendments were made to articles 28 and 29 of Lebanon's Labour Law to ensure maternity leave was extended to ten weeks in accordance with article 26 clause (1) of the Social Security Law⁶. However, the burden of the cost (to pay the ten days leave) falls to the employer, and not the Social Security body, creating an imbalance and threatening women's employment. Finally, too many people work without contract and when a contract is in place, it is often on a daily basis. When it comes to pensions, income security is inexistent for some groups and the level is far too low to provide for a decent retirement. It is in fact reported that there is no old age retirement system; the National Social Security Fund (NSFF) coverage stops on retirement when the need for care is the highest; pensions are only provided for government institution employees (nothing is foreseen in the private sector).

Social protection could play a significant role in reducing poverty and inequalities and ensuring that

prosperity is shared by all. This is indeed possible through an effective social protection system that is universal. Unfortunately the social protection system in Lebanon falls far short of this, as documented by the Arab Watch Report on social and economic rights and policies: Right to Social Protection 2014⁷. The social protection scheme is only for people in the formal labour market, rather than being provided automatically to all citizens or residents in Lebanon. On the other hand there are multiple funds and guarantors (like the National Social Security Fund (NSSF) or the Cooperative of Government Employees), which creates a fragmented system. Furthermore, there are significant differences between public and private sector employees both in terms of coverage and contributions. The social protection system is limited with regard to basic health services, family allowances and end of service compensation. Moreover, the elderly and people with disabilities, the unemployed, foreign workers and farmers remain outside the framework of coverage of the most formal social protection systems.

In order for social protection to improve over the next few years, there is an urgent need to tackle the root causes of Lebanon's structural problems at the political, economic and social level. There is no comprehensive national development strategy adopted, discarding the issue of social rights and "social security" for all. As noted previously, the social protection system in Lebanon is still limited to the narrow approach of social security which in itself suffers from major gaps and shortages either on the legal and regulatory framework levels or implementation level. We should also consider the further pressure created by the arrival of Syrian refugees in the country, yet it is important to note that the Syrian refugee crisis simply shed light on the structural and systemic problems of Lebanon and aggravated them. Lebanon's performance in relation to the international human rights framework on social protection, particularly the ILO Conventions, indicates furthermore the lack of government commitment to an effective legislative framework.

4. <http://civilsociety-centre.org/sites/default/files/resources/accesshealthcaresyrianrefugees-ls2016.pdf>

5. <http://www.annd.org/data/item/cd/aw2014/pdf/english/three5.pdf>

6. <http://www.rdfwomen.org/eng/wp-content/uploads/2015/07/UPR-ENGLISH-final-output.pdf>

7. <http://www.annd.org/data/item/cd/aw2014/pdf/english/three5.pdf>



Decent Work

Looking at the four strategic objectives of decent work (promotion of rights at work, employment, social protection and social dialogue) as defined in the Report of the Director-General, 87th Session, Geneva, June 1999, the following main issues were highlighted.

Respondents to the social rights monitor all agreed that the wage system in Lebanon is also somewhat fragmented and discriminatory, which make it difficult to achieve a decent standard of living. **A minimum wage** exists in Lebanon but remains low despite several protests and hikes in Lebanon. It is set at L.L 675,000 (\$450) per month, an inadequate amount given the cost of living in the country (e.g. lower than the cost of rent for a small apartment). Labour unions called for an increase to \$800 and for the government to make this issue a priority. Indeed, the legislative framework calls for a minimum wage, as according to Article 46 of the Lebanese Labour Code, “the minimum pay assessed shall be rectified whenever economic circumstances render such review necessary.” According to Article 44 of the Labour Code, “the minimum pay must be sufficient to meet the essential needs of the wage-earner or salary-earner and his family.” Yet, the bill has been pending in the parliament. Even this inadequate minimum wage scheme is not always respected by the private sector due to a lack of controls, while it is non-existent in the informal sector composed of the most vulnerable groups (vulnerable Lebanese, refugees, migrant workers, etc.).

As far as working conditions are concerned, it varies across sectors as reported by ANND. An examination of the conditions faced by domestic workers in Lebanon, for example, sheds light on serious violations. Lebanon hosts around 250,000 female domestic migrant workers. On a structural level, the restrictiveness of the “sponsorship system” makes migrant domestic workers and refugees dependent on the employers and vulnerable to exploitation⁸. Violations of domestic workers’ rights include excessive working hours, non-payment of wages, confinement in the workplace and in some cases, physical and sexual abuse. Around 65% of domestic

workers confirmed they experienced a situation of forced labour, servitude, or slavery during their time in Lebanon⁹. In 2011, the UN special rapporteur on contemporary forms of slavery urged the government to address these concerns and enact laws accordingly. This should start with a comprehensive rights-based revision of employment policies ensuring the inclusion of the migrant domestic workers in the labour code, improving social security policies and instituting minimum wage requirements.

The right to collective bargaining is seriously undermined, mainly due to excessive requirements in respect to trade unions’ representativeness or the minimum number of members required to bargain collectively¹⁰. A minimum of 60% of workers must agree before a union can engage in collective bargaining¹¹. Furthermore, there are restrictions on collective agreements, as they have to be ratified by two thirds of union members at a general assembly. It is important to note that unions face further challenges in Lebanon to represent the workers, as prior authorization or approval by the authorities is required for the establishment of a union¹².

As for **labour market policy** overall, respondents all agreed that labour market policy and employability are not priorities for the government and no changes are expected when it comes to (quality) job creation and unemployment reduction. As the 2016 Arab Watch Report on Informal Labour¹³ demonstrates, decisions made by the government with regards to the political economy in Lebanon, particularly in post-Taif period (i.e. after the National Reconciliation Accord), came “at the expense of the productive base, generating decent and regular jobs”, where the focus was put on rebuilding infrastructure and achieving economic growth. As stated in the report, the strategy of borrowing was followed, in order to ‘finance reconstruction and provide the necessary liquidity to support the government’s deflationary monetary options, which pursued the policy of stabilizing the exchange rate and controlling inflation, with the resulting consequences on the overall productivity of the economy’.¹⁴ These

8. <https://newint.org/features/2017/11/01/kafala-lebanon>; <http://www.kafa.org.lb/studiespublicationpdf/prpdf47.pdf>

9. <https://www.albawaba.com/news/two-migrant-workers-die-every-week-lebanon-975396>

10. <https://survey.ituc-csi.org/Lebanon.html?lang=en#tabs-2>

11. Ibidem

12. Ibidem

13. <http://www.annd.org/cd/arabwatch2016/#english> (see p. 150)

14. Ibidem



policies had an impact on employability and especially on the growth of informal labour in the country. As the report indicates, informal labour grew by 0.86% (annual rate between 2000 and 2007). It is worth noting that formal labour accounted for 29% of the total labour force against 32% of informal self-employed and 19% of informal workers in 2015. According to the World Bank¹⁵, youth unemployment in Lebanon is estimated to reach 21.3% of the total youth labour force (aged between 15 and 24) in 2017. Indeed, job supply does not match demand, leaving many recent graduates unable to find a job. The limited and lack of market assessment and education orientation is yet another challenge impeding improvements in complementarity between employment and skills acquired throughout education.

Given the implementation of neo-liberal policies in Lebanon and the lack of a national development strategy, including for enhancing productive sectors, employment conditions are not expected to improve. This takes into consideration the already high unemployment rate; the growing young population that will add a further burden; the difficulties in shifting from informal to formal labour and informality reaching most sectors; and the inadequate tax system. The huge influx of Syrian refugees is an additional factor adding another layer of challenges when it comes to labour opportunities in Lebanon.

Enabling Environment

The Office of the United Nations High Commissioner for Human Rights (OHCHR)¹⁶, has identified five ingredients essential to creating and maintaining an enabling environment for civil society: a robust legal framework compliant with international standards and a strong national human rights protection system that safeguards public freedoms and effective access to justice; a political environment conducive to civil society work; access to information; avenues for participation by civil society in policy development and decision-making processes; and long-term support and resources for civil society.

Looking at the above criteria, respondents to the monitor stated that while the state allows individuals and civil society organizations to exercise their

rights to freedom of association, peaceful assembly and expression, violations of these rights also take place. The Civicus Monitor¹⁷ labelled Lebanon as 'obstructed' in 2017. Indeed, freedom of association, peaceful assembly and expression are all enshrined in the Lebanese Constitution but various violations occur in practice. Moreover, it is reported that it is very hard for civil society to influence the government's decisions and hence bring changes. The state does not cooperate very much with civil society in setting public policies, although the work and experience of civil society organizations is an added value to the state.

As the Arab NGO Network for Development's publication on Enabling Environment demonstrates¹⁸, "the way the security forces handle the demonstrations and assemblies is not in conformity with the **right of assembly and other public freedoms** guaranteed by the law, as sometimes the purpose of intervention of the security forces is to disperse the demonstrators rather than to preserve the safety and security." This is what happened during the demonstrations organized by "Tol3et Rihetkon"¹⁹, a grassroots movement, at the end of July 2015, denouncing the poor management of waste collection. Various violations took place including the excessive use of violence.

15. <https://data.worldbank.org/indicator/SL.UEM.1524.ZS>

16. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/073/52/PDF/G1607352.pdf?OpenElement>

17. <https://monitor.civicus.org/country/lebanon/>

18. <http://www.annd.org/data/file/files/enabling%20environment-eng.pdf> (see p. 69)

19. Idem, p. 64



Recommendations

The law on Associations in Lebanon is enabling to an extent, but the government must always be notified of the creation of new civil society organizations. Moreover, the law can be misapplied²⁰ because of the administrative burdens, including administrative delays. On another level, the lack of funding impedes a well-operating civil society. Although there is no limitation when it comes to sources of funding, civil society organizations may become very dependent on donors' conditions. Moreover, with the Syrian refugee crisis, budgets allocated to NGOs have been reducing significantly. Finally, the law on accessing information is yet to be implemented. It leaves activists who may express their own political views on social media more vulnerable to arrest or investigation. One example is the case of Mr. Selman Samaha who was accused of 'offending the reputation of the military institutions' after posting content related to the Lebanese military on his Facebook page. This reflects a situation where freedom of expression is not fully respected.

With the new EU and Lebanon Compact that covers the 2016-2020 period and aims at supporting stabilization, addressing the Syrian crisis and increasing the resilience of the Lebanese economy, the partnership between the EU and Lebanon should consider mutual accountability in addressing these long-running political, economic and social challenges. In this respect, the Partnership Priorities and their implementation through the Single Support Framework should be based on a human rights framework to ensure a revised approach within the new European Neighbourhood Policy. An explicit scheme geared to the promotion, protection and fulfilment of human rights should be adopted while benchmarks should be set to support each objective and to ensure their contribution to achieving human rights goals ensuring a holistic approach to human rights.

Based on the above report, the implementation of the Partnership Priorities and the Compact agreed between Lebanon and the EU should be shaped according to the following recommendations. The

EU should support the Lebanese government in:

- Reforming the public health system in order to ensure universal coverage to all people in Lebanon, including strengthening the regulatory role of the state in order to ensure the quality and accessibility of healthcare services (public and private) to ensure the full enjoyment of the right to health by all without any discrimination. The health system should be free, universal and offer quality services;
- Revising its social protection policy, particularly to consider it as a tool for addressing inequalities. Accordingly, the right to social protection should be ensured as part of the redistribution policies; programmes and services shall be funded through dedicated and sustainable resources, based on the equitable distribution of wealth principle.
- Establishing a national development strategy centred on workers' rights, employability and decent work;
- Establishing economic empowerment activities to ensure Syrian refugees' access to productive resources while improving coordination between various initiatives, alongside ensuring the implementation of standards that guarantee migrant/refugee workers' rights;
- Ensuring the accessibility and availability of up-to-date and disaggregated data on labour conditions to help more effective planning, as data on labour statistics are not accurate in Lebanon;
- Reforming the tax system in order to tackle the informal economy, stimulate demand for decent work and improve redistribution in Lebanon;
- Promoting civil society space and contribute to establishing a stable, open, dynamic and solidarity-based society considering that civil society can monitor and ensure accountability. Hence, regular and improved consultations with civil society organizations including trade unions should be in place. The government should build cooperation and partnership relations with civil society organizations while civil society shall maintain its complete and professional independence. Nego-



20. <http://www.icnl.org/research/monitor/lebanon.html>

tiation capacities should be enhanced. Last but not least, stabilization and security remain at the top of the EU agenda. Focusing on stabilization as a political priority in merely security and economic terms turns has proved to be a key challenge for a mutually accountable partnership between the EU and Lebanon, and overall for the region. The domination of a 'Euro-centric' security approach has led to more focus on support for refugees in Southern Neighbourhood countries, yet this primarily transfers the burden to the partners and aims at securing the borders of European countries. Instead, the EU-Lebanon partnership should be based on a comprehensive approach to the development needs of the partner country. An inclusive approach to addressing the overarching political priority would benefit first from dissecting the existing situation and identifying the key constraints to political stability. The roots of these problems lie in a complex interaction between several factors that go beyond mere security, and include economic social and political elements. Thus, even stabilization should be founded on a strategy that essentially takes into account those different elements, including the achievement of social and economic rights.

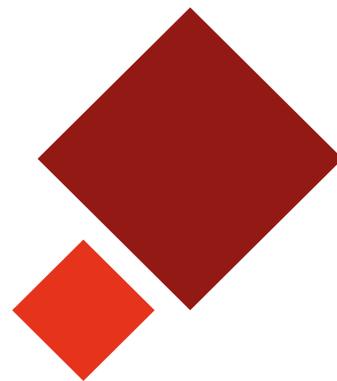




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The Social Rights Monitor is a tool developed by SOLIDAR members and partners to allow partner organizations and allies based in the country to assess the situations in terms of social protection, decent work and an enabling environment and track the progress made since the implementation of the European Neighbourhood Policy and the partnership priorities established with the EU. This report has been developed in the framework of a regional programme “Mobilizing for Social Justice: Decent Work, Social Protection and Freedom of Association in the Middle East and North Africa region” led by SOLIDAR.

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

This country profile has benefited from contributions by the Lebanese civil society organisation including the Arab NGO Network for Development and the Popular Aid for Relief and Development*.

*If your organization has contributed to the report and is not listed here, contact the SOLIDAR offices to edit the report.



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This publication has been produced with the financial support of the European Union. The information contained in this publication does not necessarily reflect the position or opinion of the European Commission.

