LIBYA

# Social protection systems for children in Libya

Literature review

الهيئتاا

November 2021

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العنوان بالكامل:

يقدم هذا الطلب الى مكتب أو وحدة خدمات فرع الهيئة العامة لصندوق التضامن الإجتماعي بالمنطقة التي يقع بدالوتها مكان الاقامة الفعلية لطالب للعاش نموذج ما العالب الى







This study is commissioned by the United Nations Children's Fund (UNICEF) and the United Nations High Commissioner for Refugees (UNHCR) and conducted by REACH, in partnership with the Libyan Ministry of Social Affairs and the Social Solidarity Fund.

The present literature review analysis conducted in Libya, as a collaborative effort among UNICEF, UNHCR, REACH, the Ministry of Social Affairs and the Social Solidarity Fund builds on a thorough literature review and mapping of existing social protection documents such as laws, decrees, policies, reports, evaluations, and official social media websites, which was complemented with key informant interviews with technical focal points under a UNICEF, United Nations Development Programme (UNDP), and International Policy Centre for Inclusive Growth (IPC-IG) project with the Libya National Economic Development Board (NEDB).

The study is part of the Blueprint Initiative, launched in 2020 by UNICEF and UNHCR with the aim to safeguard the rights and wellbeing of refugee children today and reach their full potential in the future. As the leading United Nations organisations working for refugees and for children, UNICEF and UNHCR are deeply committed to supporting refugee children in shaping a hopeful future for themselves, their families, and communities.











The cover photo was taken in Tripoli by REACH, 2021.

### **About REACH**

REACH is a programme of ACTED. It strengthens evidence-based decision-making by humanitarian actors through efficient data collection, management, and analysis in contexts of crisis. ACTED is an international NGO. Independent, private, and non-profit, ACTED respects strict political and religious impartiality and operates following principles of non-discrimination, and transparency. Since 2011, ACTED has been providing humanitarian aid and has supported civil society and local governance throughout Libya, from its offices in Tripoli, Sebha and Benghazi. For more information please visit our website: <a href="https://www.reach-initiative.org">www.reach-initiative.org</a>

The findings, interpretations, and conclusions expressed in this paper are those of the authors and do not necessarily reflect the views of UNICEF or UNHCR. This paper has been peer reviewed both externally and within UNICEF and UNHCR. The text has not been edited to official publications standards and UNHCR and UNICEF accept no responsibility for errors. Extracts from this publication may be freely reproduced with due acknowledgement if accompanied by the following citation: Social protection for children in Libya: Literature review, UNICEF, UNHCR, REACH, Libya, Tripoli, 2021.

### **SUMMARY**

Years of conflict have damaged infrastructure and displaced thousands of individuals and families within the country, limiting the population's access to public services and livelihoods. In 2021, the Cash and Markets Working Group estimates that 317,657 Libyans and non-Libyans, including 116,699 children, require cash transfer support to meet their basic needs. In this challenging environment, social protection, which became a sustainable development goal in 2015,<sup>1</sup> can provide vital support to vulnerable populations.

As Libya transitions from a humanitarian crisis toward stabilisation and recovery, there is a growing interest in understanding social protection systems in the country. In Libya, the Social Solidarity Fund and the Ministry of Social Affairs are the main implementer of state-led social assistance supporting vulnerable people. While their programmes appear to be significant and critical, scant information is available on the scope, status, and coverage of these social protection programmes.<sup>2</sup> To advocate for reform, help expand the coverage of existing programmes, and strengthen linkages with current humanitarian efforts, there is a need for a precise understanding of the legal framework, management, and implementation of current social protection programmes.

Based on a thorough review of reports, articles, laws, decrees, and official websites, this literature review forms part of the Blueprint Initiative - Social Protection System for Children assessment being conducted in Libya by UNICEF and UNHCR in partnership with REACH.<sup>3</sup> The present assessment seeks to examine social protection programmes for children in Libya, run by the Social Solidarity Fund and the Ministry of Social Affairs; it aims to understand the eligibility criteria, the application process, and what barriers or bottlenecks are faced by those trying to apply. This document lays the groundwork for this assessment by addressing social protection's relationship with humanitarian and development work, understanding the crucial role it can play in child development, and how national systems often struggle to be inclusive of all population groups. It then moves on to look at the case of Libya and the current state of social protection programmes in place for children in the country, as well as the laws and policies that underpin them.

Although the Libyan government recognises social protection as a right of its citizens (Social Security Law of 1980), through key legal frameworks covering vulnerable groups such as children, persons with disabilities and children without legal guardians, this review highlights the significant information gaps that remain regarding the degree to which social protection programmes are currently functioning across the country, emphasising the need for primary data collection. This review also underlines the lack of legal provisions for migrant and refugee population groups in Libya, regarding their right to social protection. Therefore, this literature review also prompts further, in-depth research to better understand if, in practice, migrant and refugee children and families do access social protection programmes, and if not, from what other social safety nets they benefit.

<sup>&</sup>lt;sup>1</sup> ILO, <u>Relevant SDG Targets related to Social Protection Floor</u>

<sup>&</sup>lt;sup>2</sup> International Policy Centre for Inclusive Growth, Non-contributory Social Protection Through a Child and Equity Lens in Libya, August 2018.

<sup>&</sup>lt;sup>3</sup> For an overview of the assessment's objectives and methodology, please refer to the <u>Terms of Reference</u>.

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### **List of Acronyms**

CRC Convention on the Rights of the Child

DTM Displacement Tracking Matrix
GDP Gross Domestic Product

ICESCR International Covenant on Economic, Social and Cultural Rights

ICRMW International Convention on the Protection of the Rights of All Migrant Workers

ILO International Labour Organisation
IOM International Organisation for Migration

**IPC-IG** International Policy Centre for Inclusive Growth

MENA Middle East and North Africa
MoSA Ministry of Social Affairs

**NEDB** National Economic Development Board

**OAU** Organisation of African Unity

**SSolF** Social Solidarity Fund

UNDP United Nations Development ProgrammeUNHCR United Nations High Commissioner for RefugeesUNICEF United Nations Children's Emergency Fund

WFP World Food ProgrammeWHO World Health Organisation

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### 1. Introduction

Years of conflict have damaged infrastructure and displaced 223,949 people<sup>4</sup> within the country, limiting the population's access to public services and livelihoods. Despite the cessation of hostilities and improvements of the general security situation in Libya, 38,920 families<sup>5</sup> were still displaced by the end of September 2021. The years of instability limited the access to public services and livelihoods for thousands of Libyans and non-Libyans. The arrival of the COVID-19 pandemic in 2020 has further reduced access to livelihoods through workplace closures and movement restrictions. As a result, many Libyan families struggle to meet their basic needs; in REACH's 2020 Multi-Sector Needs Assessment (MSNA) in Libya, 27% of households reported not being able to afford their health needs and 26% reported not being able to afford shelter needs in the 30 days before data collection between June and August 2020.<sup>6</sup> The Cash and Markets Working Group estimates that 216,660 Libyans and 100,997 non-Libyans require cash transfer support to meet their basic needs in 2021, including 116,699 children. In this difficult context, social protection mechanisms can provide vital support to vulnerable populations.

Social protection is defined as "the set of policies and programmes designed to reduce and prevent poverty and vulnerability throughout the life cycle". In 2015, a commitment to "implement nationally appropriate social protection systems and measures for all" and "achieve substantial coverage of the poor and the vulnerable" by 2030 became a sustainable development goal. This target also included reference to social protection floors, which are described as "nationally-defined sets of basic social security guarantees which secure protection aimed at preventing or alleviating poverty, vulnerability and social exclusion". The inclusion of social protection in the sustainable development goals cemented its place firmly within the international development agenda.

In Libya, the Social Solidarity Fund<sup>10</sup> (hereinafter: SSoIF) is the main implementer of state-led social assistance. The fund was established to support vulnerable people, particularly those who do not have pensions, jobs, or other sources of income.<sup>11</sup> The SSoIF support primarily provides categorical cash transfers and in-kind support to identified vulnerable groups.<sup>12</sup> These activities benefit a significant proportion of the Libyan population, with 22% of Libyan households reportedly relying on the SSoIF as a main source of income.<sup>13</sup> Strikingly, support from the SSoIF was the third most common source of income reported by Libyan households.<sup>14</sup> The SSoIF falls under the Ministry of Social Affairs (MoSA), which also runs additional social protection programmes, such as the recently revived Wife and Children's Grant, that are of interest to this study.

While the programmes of the SSolF and the MoSA appear to be significant and critical, scant information is available on the scope, status, and coverage of these social protection programmes.<sup>15</sup> An evaluation of the MoSA conducted in 2015 identified significant shortcomings in the ministry and the SSolF, including "administrative laxity", "poor performance" related to its activities to support displaced people, and the inability of many eligible people to obtain their cash disbursements due to liquidity shortages.<sup>16</sup> To advocate for reform, help expand the coverage of existing programmes, and strengthen linkages with current humanitarian efforts, there is a need for a precise understanding of the legal framework, management, and implementation of current social protection programmes.

<sup>&</sup>lt;sup>4</sup> International Organisation of Migration (IOM), <u>Displacement Tracking Matrix Libya – Round 36, March-April 2021</u>.

<sup>&</sup>lt;sup>5</sup> IOM <u>DTM IDP and Returnee Report - Round 38</u>, July-September 2021

<sup>&</sup>lt;sup>6</sup> REACH, Libya MSNA 2020, March 2021.

<sup>&</sup>lt;sup>7</sup> International Labour Organisation (ILO), <u>World Social Protection Report: Universal Social Protection to Achieve the Sustainable Development Goals</u>", 2017-19

<sup>&</sup>lt;sup>8</sup> ILO, Relevant SDG Targets related to Social Protection Floor

<sup>&</sup>lt;sup>9</sup> ILO, <u>Social Protection Floor</u>

<sup>&</sup>lt;sup>10</sup> Social Solidarity Fund website.

<sup>&</sup>lt;sup>11</sup> UN Economic and Social Commission for Western Asia, <u>Comprehensive National Review of the Progress made Towards the implementation of the Beijing Declaration and the Platform for Action +25, 2019</u>

<sup>&</sup>lt;sup>12</sup> World Bank Group, Supporting Peace and Stability in Libya, 2019

<sup>&</sup>lt;sup>13</sup> REACH, Libya MSNA 2020, March 2021

<sup>&</sup>lt;sup>14</sup> Ibid.

<sup>&</sup>lt;sup>15</sup> International Policy Centre for Inclusive Growth, Non-contributory Social Protection Through a Child and Equity Lens in Libya, August 2018

<sup>&</sup>lt;sup>16</sup> Libyan Organisation of Policies and Strategies, Performance Assessment of the Ministry of Social Affairs in Libya, December 2016

Therefore, UNICEF and the UNHCR, in partnership with the MoSA and the SSoIF, commissioned an assessment to understand the existing legal and policy framework for social protection programmes in Libya, as well as how these function in practice. This investigation will seek to determine which families and/or individuals are considered eligible for different programmes, the application process for registration, and the bottlenecks and barriers experienced by those enrolling. Alongside this, it will also consider how these vary in different regions of the country and among different population groups.

This report presents the findings of the first phase of the assessment, which consisted of a literature review analysis of the existing body of documents, such as laws, decrees, policies, reports, evaluations, and official social media publications, which was conducted to assess the legal framework underpinning social protection in Libya. This literature review lays the groundwork for the overall assessment by addressing social protection's relationship with humanitarian and development work, understanding the crucial role it can play in child development, and how national systems often struggle to be inclusive of all population groups. It then moves on to look at the case of Libya and the current state of social protection programmes in place for children in the country, as well as the laws and policies that underpin them.

Building on this literature review, the second phase of the assessment will involve primary data collection with national-level key informants who have been identified by UNICEF, UNHCR and REACH, from key institutions related to social protection in Libya. These include employees of the MoSA and SSolF, as well as lawyers from the Ministry of Justice, and academics and researchers specialising in social work.

Informed by the national-level data collection, the third step of the assessment will look more closely at the registration process for the three assessed programmes: the Basic Assistance and the Emergency Assistance managed by the SSolF, as well as the Wife and Children's Grant ran by the MoSA, which were identified for future research through this literature review on the basis of their targeting of families and children, their current status (active programmes), and their geographic and demographic scope. This phase entails individual interviews with service users and key informant interviews with service provides at the municipal level in Tripoli, Benghazi and Sebha. Interviews will also be conducted with eligible Libyan families that are, for some reasons, not registered with social protection programmes; and with population groups that are currently excluded from the national social protection system (migrants and refugees).

The findings from phase two and three will be published in a final report.

### 2. METHODOLOGY

This report is based on a comprehensive review of existing reports and articles produced by international organisations and experts of social protection. REACH also carried out a review of the official websites of Libyan government institutions responsible for managing social protection programmes, such as the SSoIF and the MoSA, as well as the websites of policy and law-making bodies, including the Higher Committee for Children and the Ministry of Justice. Using a mixture of sources shared by the donors and found through desk-based research, the exercise was intended to provide background information on social protection for children, along with an initial appreciation of the capacity of existing programmes in Libya. Through developing an understanding of these topics using key search themes, REACH aims to design a more effective research framework, including comprehensive data collection tools, to address the six main research questions of the assessment (Table 1).

This document is thus structured in the following way:

- First, REACH looked for secondary data sources about social protection for children, and about the linkages between social protection and humanitarian cash-based programmes. This section highlights why social protection is fundamental to children's development and well-being.
- The second section is dedicated to the inclusion of vulnerable and marginalised population groups, and more specifically of migrants and refugees, in the national social protection system. A review of comprehensive systems that include migrants and migrant children across the world was carried out, with the aim to identify potential pathways for (better) including these population groups into the Libyan social protection system. This section feeds into the sixth research question of this assessment, listed in the table below (Table 1).
- The literature review then addresses the Libyan case to identify available information and data gaps, starting with a presentation of the main international conventions relating to child protection and social protection signed and ratified by Libya. The national laws underpinning social assistance in Libya are then listed, before providing a short presentation of the main actors. This section aims to answer the two first research questions of this assessment (Table 1).
- Finally, and mainly based on the literature review to map social protection stakeholders and programmes in Libya<sup>17</sup> that was led by UNICEF, REACH put together a table summarising the key characteristics of the social assistance programmes targeting children (directly or indirectly) in the country. This last part aims to provide answers to the first two research questions of this assessment. It also seeks to identify the three social protection programmes that will be assessed in Phase 2 and Phase 3 of the research.<sup>18</sup>

Figure 1: Assessment's research questions

	Research Question	Phase of the assessment
1.	What social protection programmes cover	Phase 1 (Literature review) and Phase 2 (National
	children currently in Libya?	level data collection)
2.	What is the existing legal and administrative	Phase 1 and Phase 2
	framework that underpin social protection	
	programmes for children in Libya?	
3.	1 - 3	Phase 2 and Phase 3 (Municipal level data
	function in practice?	collection)
4.	What is the role and capacity of social workers to	Phase 3
	conduct outreach and support the registration	
	process?	

<sup>&</sup>lt;sup>17</sup> UNICEF et al, Literature Review to Map Social Protection Stakeholders and Programmes in Libya, draft.

<sup>&</sup>lt;sup>18</sup> The choice of focusing on the Basic Assistance, the Emergency Assistance and the Wife and Children's Grant was made in concert with UNICEF, UNHCR and REACH, after writing this literature review.

5.	What barriers and bottlenecks (if any) do eligible	Phase 3
	applicants face when registering with the SSolF?	
6.	Building on the answers from the previous	Phase 1, Phase 2 and Phase 3
	questions and best practices from elsewhere, how	
	might social protection systems for children be	
	reformed in Libya and what role can UNICEF and	
	other actors play in supporting such reforms?	

# 3. LITERATURE REVIEW

# 3.1. Social protection, development, and human rights

Social protection is defined as "the set of policies and programmes designed to reduce and prevent poverty and vulnerability throughout the life cycle". <sup>19</sup> It can include benefits for individuals at all stages of life, from childhood, through to working adulthood, and on to old age. Social protection systems provide support through a mixture of contributory schemes (social insurance) and non-contributory tax-financed benefits, such as social assistance.

Social protection has long been integral to the international development agenda, with widespread recognition of its ability in bringing about social justice and sustainable development. It is also recognised as a universal human right and obligation of the state to its citizens. This is entrenched in a multitude of international treaties. In 2015, a commitment to "implement nationally appropriate social protection systems and measures for all" and "achieve substantial coverage of the poor and the vulnerable" by 2030 became a sustainable development goal.<sup>20</sup>

Various United Nations agencies have also committed to enhancing the coverage, accessibility, and functionality of social protection systems across the world. UNICEF, through a range of activities from social welfare programmes to cash assistance, works to reduce child poverty; while UNHCR endeavours to provide social safety nets and access to national social security systems for refugees and other populations of concern, including those displaced by conflict. This work is enhanced through evidence generation to understand poverty, vulnerability, and how social protection systems can be reformed – an effort the current research forms part of.

The interest in social protection by actors who provide humanitarian assistance is part of an important synergy. Governments in countries experiencing crises often address their population's humanitarian needs through national social protection systems, although their ability to do so may be severely reduced in times of crisis, such as conflict or economic collapse. In many ways, humanitarian programmes – such as cash transfers or vouchers – duplicate these efforts. Therefore, there is a growing impetus to work with, support and – in certain instances – play a role in reforming existing systems rather than setting up parallel ones. This allows for greater coverage, durability, and local ownership; however, it is not without difficulties, many inherent to operating in crisis settings, such as the degree to which the government has sovereignty over a territory, and the extent to which existing social protection systems provide for all those in need.

# 3.2. Social protection for children

Social protection is crucial for child development and well-being. It can play a key role in minimalising vulnerabilities and risks faced by children, as well as ensuring their access to healthcare, education, and a nutritious diet. Social protection, therefore, is essential to helping children obtain a decent standard of living and realise their potential, regardless of their background. The Convention on the Rights of the Child, which Libya has ratified, expresses the right of every child to "benefit from social security, including social insurance". Despite this commitment, globally, UNICEF estimates that two-thirds of children are missed out by social protection systems, which leaves them vulnerable to poverty and exclusion, and perpetuates existing inequalities.

The main form of social protection for children is child and family benefits; these can be contributory, tax-financed or a mixture of the two. For tax-financed schemes, cash-transfer programmes are the most

<sup>&</sup>lt;sup>19</sup> International Labour Organisation (ILO), <u>World Social Protection Report: Universal Social Protection to Achieve the Sustainable Development Goals</u>", 2017-19

<sup>&</sup>lt;sup>20</sup> ILO, Relevant SDG Targets related to Social Protection Floor

<sup>&</sup>lt;sup>21</sup> Convention on the Rights of the Child, 1989

common modality of child and family benefit. Many other types of social protection schemes, for example, maternity benefits or an old-age pension, can indirectly benefit children if these are received by their caregiver. The International Labour Organisation (ILO), in their global review of social protection systems, noted that on average, only 1.1 per cent of the gross domestic product (GDP) is spent on child and family benefits for children aged 0-14, which points to a significant "under-investment in children" however, the organisation also acknowledged that cash transfers for children have grown, with several countries – including Argentina, Brazil, Chile and Mongolia – reaching universal social protection coverage for children.

The vulnerabilities and risks these systems can protect children from are particularly acute in conflict settings, which can expose children to violence, but also have an indirect impact on their access to services, nutritious food, and basic sanitation. Libya has experienced a decade of conflict and instability, creating a volatile environment for children to grow up in. Children are at risk of being exposed to violence, explosive hazards, the impact of displacement, and the consequences of service depletion, including healthcare and education. This has been compounded by shortages of key goods, price increases, and liquidity issues, which have reduced the purchasing power of the average Libyan household. This situation has been further complicated by policies designed to combat the spread of COVID-19, part of which involved children in Libya not attending school for much of 2020. In the humanitarian response plan for 2021, it was estimated that 271,000 children would need protection services, 480,000 children would require health support, and around 316,000 children would require education assistance.<sup>23</sup> These circumstances make Libya a pertinent case for looking at coverage and capacity of current social protection systems in place for children and understand the potential for linkages with humanitarian programming.

# 3.3. Social protection and inclusion of migrants

One of the key shortcomings of national social protection systems can be their lack of inclusivity, and ability to cater to the needs of specific demographics. Certain population groups can face geographical, attitudinal, administrative, and legal barriers to accessing social protection systems, despite often being among the most in need, due to their marginalised status. Depending on the context, this can include women, persons with disabilities, indigenous populations, ethnic minorities, displaced population, or migrants.<sup>24</sup>

The latter group often face hurdles when trying to access social protection in their transit or destination country, as their status often causes them to fall outside of the system. Certain international migrants, such as those who entered the country irregularly and whose stay is therefore not deemed legal by the host state, those who rely on the informal sector for income and therefore may not be covered by formal labour market policies, and children who are unaccompanied, can face great barriers when trying to access assistance.<sup>25</sup>

A recent report used international examples to look at the ways Egypt could extend its social protection system to include foreign nationals (specifically refugees and asylum seekers). Drawing on lessons learnt on social protection reform in Turkey, Morocco, Brazil, and Iran, the study found that national social protection systems became more inclusive when: there is a comprehensive legal framework to guarantee rights, migrant policies are reformed to be rights-based, social workers can deal with the specific needs of migrants, and there are accessible avenues for irregular migrants to regularise their status.<sup>26</sup> Egypt is certainly not alone in having a social protection system that is currently difficult to access for non-nationals. Research conducted by UNHCR, aimed at harmonising humanitarian efforts with existing national systems, mapped social safety nets in 18 countries. It found that, although there are mounting

<sup>&</sup>lt;sup>22</sup> International Labour Organisation (ILO), <u>World Social Protection Report: Universal Social Protection to Achieve the Sustainable Development Goals</u>", 2017-19

<sup>&</sup>lt;sup>23</sup> Libya Humanitarian Response Plan, 2021

<sup>&</sup>lt;sup>24</sup> United Nations Department of Economic and Social Affairs, <u>Promoting inclusion through social protection: report on the world social situation 2018</u>
<sup>25</sup> *Ibid.* 

<sup>&</sup>lt;sup>26</sup> UNICEF, IPC-IG, "Improving social protection for migrants, refugees and asylum seekers in Egypt: An overview of international practices" 2021

opportunities to make these systems more inclusive, the majority are still not accessible to non-nationals. $^{27}$ 

Figure 2: Examples of inclusive social protection programmes<sup>28</sup>

Country	Main legal instrument	Programme	Objective
Morocco	National Immigration and Asylum Strategy adopted in 2014, and which includes the expansion of Law 65-00, Art. 121 to ensure basic medical assistance for documented migrants and refugees under the same conditions as nationals. <sup>29</sup>	Access to the medical assistance scheme that is based on non-contributory principle for the benefit of the poor population. It provides benefits in kind.	All documented immigrants are covered by health insurance for a wide range of medical services in public hospitals and care centres, including preventive care, general medicine, paramedical procedures, surgical procedures (except cosmetic surgery), etc.
Brazil	Brazilian Constitution of 1988, Art.194 on Social Protection system. The New Migration Law no.13.445 issued in 2017 maintained right to equal access by migrants to social programmes and benefits, education, and housing. <sup>30</sup>	Migrants and refugees have access to a range of social assistance benefits, including Bolsa Familia and Beneficio de Prestação Continuada.	Bolsa Familia is the most extensive federal cash transfer programme targeting the most vulnerable and poorest households, prioritising families with children and adolescents. To ensure effective access to this grant, recommendations regarding the provision of this service for migrants were issued, including measures to allow for more flexibility regarding the mandatory documents required for registration, such as proof of residence.  Beneficio de Prestação Continuada is an unconditional cash transfer targeting older people and persons with disabilities living in poverty.
Turkey	Instituted in 2003 by the Ministry of Family, Labour and Social Services, the Conditional Cash Transfer for Education expanded in 2017 to include school-age refugee children residing in Turkey. <sup>31</sup>	Conditional Cash Transfer for Education	All eligible refugee households residing in off-camp settings, regardless of nationality, can benefit from cash payments, conditional on regular school attendance of their children (from kindergarten to grade 12).

<sup>&</sup>lt;sup>27</sup> UNHCR, Mapping of Social Safety Nets for Refugees

<sup>&</sup>lt;sup>28</sup> Although these programmes are inclusive of migrants and refugees, undocumented migrants are still systematically left out of national social protection systems in the majority of cases, as shown in UNICEF, IPC-IG, "<u>Improving social protection for migrants</u>, refugees and asylum seekers in Egypt: An overview of international practices" 2021

<sup>&</sup>lt;sup>29</sup> Ministère de la Santé du Maroc, <u>Couverture sanitaire des Migrants au Maroc.</u> 2018

<sup>&</sup>lt;sup>30</sup> IOM-UN Migration, Migration Governance Snapshot: The Federative Republic of Brazil. 2018

<sup>&</sup>lt;sup>31</sup> UNICEF, The Conditional Cash Transfer for Education (CCTE) Programme.

Iran	Health Transformation Plan: series of reforms launched in 2014. <sup>32</sup>	Universal Public Health Insurance	All registered Afghan and Iraqi refugees can benefit from health insurance similar to that enjoyed by Iranian nationals, including hospital treatment, out-patient care and medication fees at an affordable cost.
Lebanon	Implemented in 2016 by UNICEF and the World Food Programme (WFP) in cooperation with the Ministry of Education and Higher Education. <sup>33</sup>	Min Ila/No Lost generation safety net is Lebanon's only child-focused social assistance programme for refugee families.	Programme that includes:  Regular base cash transfer for all children enrolled in second shift schools  Regular top-up cash transfer for those aged 12+ to reduce reliance on negative coping strategies (e.g. child labour, early marriage)  Referrals to complementary services for support
Thailand	The Migrant health insurance was set up in 2001 by the Thai Ministry of Public Health and extended in 2005. <sup>34</sup>	Migrant health insurance scheme: a voluntary prepayment scheme financed by an annual premium paid by the migrant workers.	This health insurance covers all migrants, documented and undocumented, that are not already covered by social health insurance. It was later extended to migrants' dependents. It contributes to "health security through screening and treatment on diseases, improved access to health services and reduced risk of catastrophic out-of-pocket expenditure."

Like neighbouring Egypt, Libya is also a major country of transit and destination for migrants. Since the 1970s and the growth of its petroleum sector, Libya has seen large numbers of refugees and migrants cross its borders to settle in the country, seek seasonal labour opportunities, or embark on - often perilous - boat journeys across the Central Mediterranean route to reach Europe. According to IOM's DTM<sup>35</sup>, in 2021, an estimated 610,128 migrants from over 44 nationalities live in Libya, 9 per cent of whom are children. Coming mainly from neighbouring countries, the most numerous nationalities of refugees and migrants are Nigeriens, Chadians, Egyptians, Sudanese, and Nigerians. Alongside this, according to UNHCR<sup>36</sup> as of March 2021, there are 43,624 registered refugees and asylum seekers in the country. Migrant children in Libya are at heightened risk of trafficking, arbitrary detention, forced labour, abuse and exploitation, due to their lack of legal status, civil documentation, and economic insecurity.<sup>37</sup> As a result of these dangers and lack of protection, the central Mediterranean route is among the world's most deadly for children.<sup>38</sup> The incorporation of this vulnerable group into the national safety net would provide them with a layer of protection.

# 3.4. Social protection in Libya

Political conflict, closure of oil fields and a dysfunctional, divided banking system, have reduced government revenues and the availability of cash liquidity in Libya. This has caused a protracted liquidity crisis that has led to the growth of the black market, frequent price fluctuations, and the inaccessibility

<sup>&</sup>lt;sup>32</sup> UNHCR, Trailblazing health scheme benefits refugees in Iran. 2018

<sup>&</sup>lt;sup>33</sup> UNICEF, No Lost Generation (Min Ila) Child-Focused Humanitarian Safety Net.

<sup>&</sup>lt;sup>34</sup> WHO, Implementing health insurance for migrants, Thailand. 2017

<sup>&</sup>lt;sup>35</sup> IOM, DTM Libya Migrant Report, Round 38 July-September 2021

<sup>&</sup>lt;sup>36</sup> UNHCR, <u>Libya Update</u>, April 2021

<sup>&</sup>lt;sup>37</sup> Protection Sector Libya strategy

<sup>38</sup> Save the Children, "A Deadly Journey For Children: The Central Mediterranean Route"

of cash.<sup>39</sup> The most recent MSNA found that households were most likely to have needs on cash and market-related indicators, with 24% of assessed households reporting needs related to this area. According to the assessment, needs were primarily driven by households relying on unstable income sources, with the findings indicating that most Libyan households have some source of income, but that this source is often unstable or insufficient. Alongside this, in the same study, a noteworthy proportion (21%) of households also listed the "government subsidies - social solidarity fund" as a source of household income, demonstrating that – for Libyans at least – the institution has a largescale national presence.<sup>40</sup> The MoSA is also meant to play an important role in Libyan families' lives, especially in the wake of the increase in the prices of essential goods, including food, due to the devaluation of the Libyan dinar.<sup>41</sup> The Government of National Unity has indeed signalled that they wish to reform the country's social protection system, including bringing about long-awaited subsidy reform and promising to reintroduce the Wife and Children's Grant, which is a universal child allowance programme managed by the MoSA, after several years of dormancy.

### 3.4.1. International Legal Framework

Libyan has ratified numerous international treaties that concern social protection, three of the most relevant to the current study are detailed below:

**International Covenant on Economic Social and Cultural Rights (1966) (ICESCR):** The chief piece of international legislation covering the right to social protection, including everyone's right to social security. Libya ratified this treaty in 1970.<sup>42</sup>

**Convention on the Rights of the Child (CRC):** The convention recognises the right of all children to the highest attainable standard of health, and equal opportunity to education, and to benefit from social security. Libya ratified this treaty in 1993.<sup>43</sup>

Convention Governing the Specific Aspects of Refugee Problems in Africa (1969, Organisation of African Unity (OAU)): This regional instrument complements the 1951 Refugee Convention<sup>44</sup> and extends the definition of refugee, of asylum and the cooperation of the OAU with UNHCR. Libya ratified this convention in 1981.<sup>45</sup>

The International Convention on the Rights of Migrant Workers and Their Families (ICRMW): Recognises the right of migrant workers to social protection. Libya ratified this law in 2004.

### 3.4.2. National legal framework for social assistance

**Libya's constitutional draft**, announced in 2011, recognised the right to social assistance and various other connected policies and laws. **Art. 8** guarantees "equal opportunity for every citizen" and the right to education and medical care. **Art. 5** indicates that childhood, motherhood, and older persons should be protected, and that the state will provide and care for children, youth, and persons with disabilities.

Libya also has an extensive legal framework, covering social assistance, social insurance, and social services for the poor, as well as a specific law on child protection and the duty of the state to protect children from rights violations. The right to social assistance (including for children), the main area of focus for this study, is underpinned by multiple laws and decrees. The key piece of legislation is Law No. 13 on Social Security, however over several decades other programmes have built on this initial piece

<sup>&</sup>lt;sup>39</sup> REACH, <u>Libya's Currency Crisis Brief</u>, 2021

<sup>&</sup>lt;sup>40</sup> All findings from MSNA 2020 report and dataset.

<sup>&</sup>lt;sup>41</sup> WFP, "Socioeconomic Impact of Currency Devaluation", March 2021.

<sup>&</sup>lt;sup>42</sup> UNICEF et al, Literature Review to Map Social Protection Stakeholders and Programmes in Libya, **draft.** 

<sup>43</sup> Ibid.

<sup>&</sup>lt;sup>44</sup> This convention defines the status of refugee and sets out the rights of individuals who are granted asylum and the responsibilities of nations granting asylum. It was never ratified by Libya.

<sup>&</sup>lt;sup>45</sup> OAU, Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969.

of legislation to elaborate their own legal frameworks. 46 The key legal frameworks that are relevant to this study are detailed below:

Law No. 13 on Social Security (which originally dates to 1980): Provides the most comprehensive definition of the concept of 'social protection' as understood and applied by the Libyan state. It stresses the right to social security to both Libyan and non-Libyan residents and established a number of social assistance programmes.

Law No.10 on Marriage and Divorce (1984): Chapter 6 provides the right to alimony for women and children after divorce.

Law No. 16 on Basic Assistance (1985): Provides a legal underpinning for the financial support to vulnerable groups, (older persons, persons with disabilities, widows, orphans) and those unable to work.

Law no. 5 on Persons with Disabilities (1987)<sup>47</sup>: Provides a definition of disability and the right to specific benefits for persons with disabilities including a monthly grant (Art. 11), subsidies on transportation, and exemption from certain taxes.

Law no. 5 on Child Protection (2006)<sup>48</sup>: This law, that covers children aged 16 and below, guarantees child rights and protection. It includes the duty of the state to take care of all children with no legal quardian, the prohibition of all forms of child labour, and provides specific rights related to access to healthcare for pregnant and breastfeeding women.

Law No. 27 on Allowances for Children and Wives (2013): This law underpins the Wife and Children's Grant, which is a universal family allowance system that provides financial support to all Libyan children and some Libyan married and unmarried women.<sup>49</sup> The programme was inactive for several years; however, it was meant to be reactivated in 2021.50

### 3.4.3. Main actors

**The MoSA** works to support women, children, older persons, and persons with disabilities.

The ministry includes three autonomous bodies the Social Security Fund, the SSolF, and the Marriage Support Fund. The SSolF, as the main implementer of social assistance in Libya, is dealt with in detail below.51

Within the ministry, three internal departments are worthy of note:

Department for Family and Children: responsible for providing care for women and girls that face gender-based violence, and for overseeing the implementation of legislation related to equal opportunities for women.52

Department on Humanitarian Affairs and Assistance: responsible for responding to shocks through the provision of emergency assistance equipment and shelter, assessing the number of poor, large families, and families in need as well as approximating the value of disaster compensation and monitoring the rapidness of its delivery.<sup>53</sup>

 $<sup>^{46}</sup>$  UNICEF et al, Literature Review to Map Social Protection Stakeholders and Programmes in Libya,  ${f draft}$ 

<sup>(</sup>aladel.gov.ly) قانون رقم ( 5 ) لسنة 1987م بشان المعاقين – وزارة العدل – دولة ليبيا 47 (aladel.gov.ly) قانون رقم ( 5 ) لسنة 1427 ميلادية بشأن حماية الطفولة – وزارة العدل – دولة ليبيا 48

<sup>&</sup>lt;sup>49</sup> UNICEF et al, Literature Review to Map Social Protection Stakeholders and Programmes in Libya, draft

<sup>&</sup>lt;sup>50</sup> World Bank, WFP, UNICEF and IPC-IG, State of Social Assistance in Libya: Review of Current Programmes and Their Role in Responding to Crises, draft.

<sup>&</sup>lt;sup>51</sup> Ibid.

<sup>&</sup>lt;sup>52</sup> Art. 9 Decree no. 120 on the Organisational Structure of the Ministry of Social Affairs (2012)

<sup>53</sup> Art. 10 Decree no. 120 on the Organisational Structure of the Ministry of Social Affairs (2012)

**Department for Affairs of Persons with Disabilities:** responsible for health assessments to confirm disability and the issuance of disability cards. Equipping persons with disabilities centres with necessary materials, providing housing for persons with disabilities.<sup>54</sup>

**The SSolF** is the main implementing body for state-led social assistance programmes in Libya and implements a range of programmes with different target populations.

The SSoIF has 26 branches<sup>55</sup> (approximately 60 offices) spread out across the country. The SSoIF has its own, independent budget that is financed from a 1 per cent contribution deducted from taxation. The institution runs a range of programmes that cover children which are dealt with in table 3 below.<sup>56</sup>

**The Higher Committee for Children** is in charge of developing policies and strategic plans related to childhood. It has been established by Art. 12 of Law no. 5 on Child Protection (2006) as an autonomous body under the Cabinet of Ministers. Its mandate includes a review of Libyan legislation relating to children's issues and rights in order to provide recommendations. This committee also supports the work of relevant Libyan civil-society organisations and authorities regarding child protection.

## 3.5. Current social protection programmes for children in Libya

Current programmes are listed in the table below<sup>57</sup> that displays the different national social protection programmes in Libya. Although some general information is available about these programmes, important gaps remain regarding the eligibility criteria, the definition of target populations, the registration processes and the information management systems, as highlighted in the table below, where relevant. Therefore, while some programmes seem to have overlapping target populations or offer a duplication of services in some cases, most, if not all, are not inclusive of specific population groups, mainly migrant and refugee, and children of Libyan mothers and non-Libyan fathers. Moreover, information about the scope and coverage of these programmes (e.g. number of beneficiaries and child beneficiaries) appears to be limited.

Figure 3: Current social protection programmes targeting children in Libya (directly or indirectly)

Programme name	Benefit and Legislation	Implementing agency	Target population	Eligibility criteria and Registration process	Administrative database
Basic Assistance*	Cash benefit established through Social Security Law no.13 of 1980, then fleshed out further in the Basic Assistance Law no.16 of 1985.	SSolF	<ul> <li>Older persons:         above 60 for         women and 65         for men</li> <li>Incapacitated:         people unable         to work</li> <li>Widows</li> <li>Orphans:         children whose         father has         passed away or         children with</li> </ul>	<ul> <li>Libyan nationals</li> <li>No income or income below the Benefits         Assistance amount     </li> <li>No breadwinner capable and legally obliged to support the individual</li> </ul>	No information is available on the information management systems for this programme.

<sup>&</sup>lt;sup>54</sup> Art. 13 Decree no. 120 on the Organisational Structure of the Ministry of Social Affairs (2012)

<sup>55</sup> Note: Our stocktaking indicates that only 22 branches are currently active, out of 26.

<sup>&</sup>lt;sup>56</sup> UNICEF et al, Literature Review to Map Social Protection Stakeholders and Programmes in Libya, draft.

<sup>&</sup>lt;sup>57</sup> All programmes with an asterisk\* are those that directly target children.

Wife and	Only universal	MoSA	unknown or uncertain parentage; up until 18 for boys (unless students – until 28), and until marriage for girls Married women with disabilities Unmarried mothers: single women with children Children with no legal guardian or breadwinner capable and legally obliged to sustain them: until the age of 18 for boys, and until marriage for girls	apple to proper horizontal pro	No savings or capital that could be used or invested Unable to work or to attend training courses No registration within the Social Security Fund No registration as beneficiary from any Social Security Fund or military benefits Applicants must submit a set of documents, including National ID number, proof of not benefiting from other benefits and pensions, proof that legal guardian or household breadwinner does not support them. For children: proof of school identification needed as well.  Is not clear where policants must go register with this orgamme, nor we long the present the proof of school identification needed as well.  Is not clear where policants must go register with this orgamme, nor we long the present the proof of school identification needed as well.  Is not clear where policants must go register with this orgamme, nor we long the present the proof of school identification needed as well.  Is not clear where is available data out grievances or chanisms for policants who got the present of the grant. Delivered	The MoSA
Children's Grant*	child allowance system in the MENA before		children (under 18)		automatically based on the	relies on the Civil Registry Authority's

	2011, established through Cabinet Decree no.9 in 1957 as the Family Allowance and reinstated in 2013 through Law no.27. Was meant to come into effect retroactively as of January 1st, 2021.		- Unmarried Libyan women with no income - Married Libyan women with no income - Married Libyan women to non- Libyans with children below 18 or with legal guardianship over children below 18 from non-Libyan husbands  Precisions regarding this last targeted group are needed to understand which information and documents they must provide to be able to register, and better identify the bottlenecks and barriers they might face.	Civil Registry database which gathers birth and death certificates, validation of residency, and citizenship.  Although the sources mention that eligible groups do not have to go through a registration process, the "automatic" delivery of this grant is not clear. Questions remain regarding how the automatic registration is done in practice, how the MoSA and the Civil Registry Authority share citizens' and beneficiaries' data. Moreover, there is no available data about grievances mechanisms for beneficiaries who face issues with the receipt of the grant.	database as a starting point.  Information gaps remain regarding the information management system for this programme: how is the beneficiaries' data stored and shared, at which level (national, regional, municipal), who oversees this work, etc.
People with Disabilities Grant	Lifetime monthly financial grant, established through Decision no.41 on the Issuance of an Implementation Framework for Designated Benefits for persons with disabilities in 1990.	SSolF	<ul> <li>People with intellectual disabilities</li> <li>People with amputated limbs or permanent incapacitation in more than one limb: these people can receive financial assistance from a different programme (Ministry for the Care of Families of Martyrs,</li> </ul>	- Persons with disabilities who are not in shelter homes and are unable to care for themselves  Applications go through the Social Solidarity Committee at baladiya level.	No information is available on the information management systems for this programme.

Emorgonau	Cash or in kind	CSOIE	Missing Persons and Amputees) - People with chronic illnesses  The difference between this grant and the Basic Assistance is not clear as the latter also covers persons with disabilities (namely married women with disabilities and incapacitated).	Libyan citizons	No information
Assistance	Cash or in-kind compensation for citizens in times of crisis and natural disasters, established through Law no.20 on Social Solidarity Fund (1998). Most recent legislation regulating this assistance is Decree no.184 (2012).	SSolF	Victims of crisis and natural disasters.	- Libyan citizens - Subscribed to the Social Security Fund - Applicant must have experienced natural disaster within past 90 days, and that has caused (including): loss of income, or damage to basic assets, or death of legal guardian or breadwinner - Applicant is not insured against damages - Through applications to the SSoIF which conducts follow-up to determine eligibility, determine the cost of damages and provide assistance within no more than 20 days of application.  There is insufficient data about the eligibility criteria: does this mean that	No information is available on the information management systems for this programme.

Zakat Fund	Monthly cash assistance and in-kind benefits collected	Under the administrative authority of the Ministry of	Vulnerable groups.	all Libyan citizens who have been victims of natural disasters can benefit from this grant? Or are there more criteria to meet (e.g. meanstested grant)? It is also not clear which information and documents applicants must provide to be able to register with this programme, nor how long the registration process takes. Moreover, there is no available data about grievances mechanisms for applicants who got their registration rejected or beneficiaries who face issues with the receipt of the grant.  Based on Sharia principles.	
	through Zakat and established by the Cabinet Decision no.49 of 2012.	Religious Affairs and Endowments			
Families of Martyrs, Missing Persons and Amputees Grant	Monthly financial assistance established by Law no.4 on Permanently Handicapped Individuals as a result of the Liberation War (2013). Extended by Law no.1 on the Care of Families of Martyrs and Missing Persons due to the 17 <sup>th</sup> February Revolution (2014). This	Ministry of Sponsorship of Families of Martyrs, Missing Persons and Amputees and the General Authority for the Search and Identification of Missing Persons	<ul> <li>Martyrs and missing persons' families:</li> <li>Libyans and non-Libyans survivors of martyrs and missing persons</li> <li>First-degree relatives</li> <li>Status that occurred between 15 February and 23 October 2011 (during the revolution)</li> </ul>	Applicant should have proof of not being registered in the list of persons with disabilities with the SSolF.	Central Committee for Accounting of Beneficiaries (martyrs and missing persons) and Temporary Committee for Accounting of the Wounded (amputees and handicapped) within the Ministry is in charge of creating a database of beneficiaries. These two

	grant includes additional		Amputees and handicapped:		agencies have
	benefits such as subsidies on transportation, employment opportunities in government and its companies, priority on housing and commercial loans.		- People who became permanently handicapped during the Liberation War (2011) - Permanent physical disability - Permanent sensory disability - People suffering from mental illnesses or missing internal organs - For children of martyrs/missing persons: up until 18.		committees across the country collecting data from applicants.
Social Assistance Benefit	Yearly or monthly cash and in-kind transfers	SSolF	Financial support for Libyan and non-Libyan households who have difficulty accessing essential social services  It is not clear whether this grant is different from the Basic Assistance or a part of it as the targeted population groups seem to overlap.	Based on income means	No information is available on the information management systems for this programme.
Grant for blind university and postgraduate students	Monthly cash assistance, established through Decree no.16 in 2020. Part of the Social Assistance Benefit (to be confirmed).	SSolF	Blind university or postgraduate students rely on the assistance of a reader to complete their studies.  Again, the difference with the People with Disabilities Grant is not quite clear.	Proof of level of studies before university.  Applications go through the Committee of Solidarity which grants the benefits according to its available financial allocations.	No information is available on the information management systems for this programme.
Health Insurance Benefit*	The cost of a subscription to health insurance is covered by the government	Ministry of Health (to be confirmed – Law mentions "the State")	- Widows - Orphans and children who do not have a legal guardian		No information is available on the information management systems for this programme.

Health Assistance Benefit	according to Art. 3 of Law no.20 on Health Insurance (2010).58	SSolF	who supports them - People without income - Low-income groups (category determined by the General People's Committee)  Financial support for individuals who are unable to access basic health services in specific areas.		No information is available on the information management systems for this programme.
Universal Subsidy Programme	Established in 1971 with the Price Regulation Fund through Law no.68. The subsidies are on basic food items including: flour, wheat, barley, rice, oil, tea, pasta, coffee, milk for children, etc. There are also subsidies on energy: fuel and electricity; as well as on medications.	- Ministry of Economy for food subsidies - Ministry of Oil for subsidies on energy - Social Security Fund for subsidies on public transport for persons with disabilities	- Persons with disabilities can benefit from subsidies on public transport.	Food items are provided in fixed per-capita quantities at cooperatives and flour is directly delivered to bakeries.  For public transport subsidies for persons with disabilities: Social Security Fund Committees at baladiya level issue public transportation subsidy cards.	No information is available on the information management systems for this programme, especially for persons with disabilities.
Housing Benefit	Housing benefits for the poor and other vulnerable categories are established through Art. 4 (1) of Law no.20 on the SSolF (1998), and through Law no.5 on the Establishment of a Marriage Support Fund (2019).	SSolF	Financial support to households who are unable to access affordable housing. Includes the provision of housing for poor couples wishing to get married.		No information is available on the information management systems for this programme.

<sup>(</sup>tajuraa.blogspot.com) موقع تاجوراء للخدمات والمعلومات المجانية: قانون رقم (20) لسنة 2010 بشأن التأمين الصحى-ليبيا 88

### 4. Conclusion

In Libya, years of protracted conflict have reduced access to public services and livelihoods. This situation, along with an increase in the prices of essential goods, has had a negative impact on living standards in the country. In this post emergency context, national social protection systems can play a pivotal role in supporting vulnerable population groups such as children, large families, persons with disabilities, displaced persons and migrants and refugees.

This literature review, which constitutes the first phase of a wider assessment into social protection for children in Libya, highlighted the key role social protection can play to minimise vulnerabilities and risks faced by children. The CRC, which Libya ratified, stresses the right to social protection for every child. However, and despite this commitment, some children are still missed out by the national social protection system in the country, including the estimated 54,911 migrant children living in Libya in 2021. Moreover, non-contributory, tax-financed child and family benefits still suffer from a noteworthy under-investment across the globe. As Libya moves towards stabilisation, reforms of the social assistance system will play a crucial role in providing the necessary support to vulnerable Libyan families and children in a more systematic way. Building on good practices found in other countries, these reforms need to be more inclusive of the considerable non-Libyan population that is currently left out of the social protection system.

This report also helped identify the three social protection programmes that will be of interest for the next two phases of the assessment: the Basic Assistance, the Emergency Assistance and the Wife and Children's Grant. It provided some key characteristics of these programmes as found on the official websites of implementing agencies, namely the SSolF and the MoSA. These three were selected based on their extensive geographic and demographic coverage, the Basic Assistance being the largest social assistance programme nationwide, and the Wife and Children's Grant the only universal child allowance in the country. As per the Emergency Assistance, it appears to provide key assistance to families affected by the crisis and the ever-growing impact of climate change. Indeed, Libya has been exposed to dust and sandstorms, as well as flash flooding episodes, which have damaged infrastructure and farmland vital for livelihoods and caused widespread displacement.<sup>60</sup>

Finally, this literature review highlighted the comprehensive Libyan legal framework that recognises social protection as a right of its citizens. It also revealed, however, that significant information gaps remain regarding the degree to which social protection currently functions across the country. In particular, limited information is available on the eligibility criteria, registration processes, and information management systems that are currently being used by these programmes. Alongside this, non-Libyans appear to be largely excluded from the legal and policy frameworks, raising questions about their access to and potential use of social security and other types of social safety nets in practice, highlighting the need for more in-depth, primary data collection.

<sup>&</sup>lt;sup>59</sup> IOM, <u>DTM Libya Migrant Report, Round 38</u> July-September 2021

<sup>&</sup>lt;sup>60</sup> On the impact of climate change on livelihoods and communities in Libya, check the on-going WFP/REACH assessment.

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