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#Breaking_The_Mold

Arab Civil Society Actors and their Quest to Influence Policy-Making

Country: **Palestine**

Civil Society's Role in Influencing the Promotion of Women's Rights in Social Security Policies

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INTRODUCTION

The topic tackling social security is considered one of the most citizens' crucial rights, which civil society focused on in its endeavor to establish the foundations and rules of justice in a democratic society based on freedom and equality between all social categories and groups. Many international covenants have stipulated this right, particularly the International Covenant on Economic, Social and Cultural Rights.

Social security is one of the most important means that guarantee security for the citizen by providing guarantees for the source of livelihood, especially if they are unable to work and produce, either due to a natural reason such as old age and retirement or due to their disability during one of their practical phases. To ensure this, some basic elements are a must in social security systems, such as comprehensiveness, accessibility, adequacy, suitability, respect for equality, non-discrimination and respect for procedural guarantees (**Independent Commission for Citizen Rights - Board of Grievances, 2016**).

In this context, social security raises the interest of the broadest community groups who aspire to a social system that provides them with future protection in their lives and preserves their acquired rights. It is natural for this matter to be at the center of civil society organizations' concerns in various social, economic, health, human rights, and other sectors operating among women, youth, disabled, elderly and various social groups and categories.

CIVIL SOCIETY AND LAUNCHING THE IDEA OF SOCIAL SECURITY

Focusing on social security had a remarkable momentum at the beginning, especially as it coincided with the establishment of the Palestinian National Authority in 1994 when civil society seemed to have the characteristics of a Palestinian state. Therefore, civil society organizations have been active in researching the characteristics, nature, political system, foundations and foundations of the state, as well as the rights of social groups and categories in the civil, political, economic, social, cultural and other fields.

Khreisheh considered that civil society had more power from the texts of international treaties and covenants tackling the right to social security, as according to the International Covenant on Economic, Social and Cultural Rights, the state must adopt legislative, financial, administrative, educational and social measures that guarantee the right to social security safely. Therefore, women's institutions and civil society organizations focused on raising social security for societal research (**2018**).

A quick preliminary review of the vision and goals of most civil society organizations reveals that most of them aspire to build a democratic Palestinian society where justice and equality prevail among all its groups and categories and in which citizens enjoy their political, civil, social, economic and cultural rights, which gave the legal authority for the Palestinian Declaration of Independence that the Palestinian National Council adopted in 1988. It is natural for social security to be a major focus of human rights that have presented themselves on the level of societal research and civil society organizations.

Due to the influence of civil society, the Palestinian Basic Law came to reaffirm the importance of the topic of social security, which was directly referred to in Article 22 under the heading of public rights and freedoms: "1- Social, health, disability and retirement insurance shall be regulated by law. 2- Maintaining the welfare of families of martyrs, prisoners of war, the injured and the disabled is a duty that shall be regulated by law. The National Authority shall guarantee these persons education, health and social insurance"¹.

Furthermore, this interest in social security was reflected in the expanded dialogues among the various feminist organizations and organizations led by the General Union of Palestinian Women, which resulted in the development of the Palestinian Women's Rights Document in 1994, when indicated in the section on economic rights that "women shall have the right to enjoy equal treatment for what a man enjoys in the work environment, and she also has the right to enjoy, on an equal basis with men, leave, all benefits, retirement benefits and insured social guarantees" (**General Union of Palestinian Women, 2012, p. 31**).

This was followed by a conference for "Al-Haq" Organization in 1995 for three days, in which hundreds of feminist and human rights activists participated, under the title "**Women, Justice and Law - Towards the Empowerment of Palestinian Women**". It focused on one of the axes for discussion with workshops. The working groups' final report recommended long-term goals, including the formation of a social security fund at the national level and the enactment of a law that guarantees a decent life for all citizens through social security (**Al-Haq Foundation, 1995**).

BEGINNINGS OF ENACTING A SOCIAL SECURITY LAW

The Independent Commission for Citizen Rights believed that Palestine witnessed many attempts to build a social system due to the mobility of civil society organizations and the constant pressure on the Palestinian Legislative Council, but all of them were confused, as in 2003 the Legislative Council approved the Social Security Law, before the Palestinian President annulled it in 2007 (**Independent Commission for Citizen Rights, 2016**).

(**Jaber, 2019**) believes that the reason is due to the counter-pressure exerted by the private sector (the business sector) to thwart attempts to build a more just social system for citizens in general, especially that the Palestinian Basic Law of the Palestinian National Authority indicates that the economic system adopted is a free market economy, which made it more likely that the private sector was pressured through some parts of civil society, especially those affiliated with the ruling party (**Fatah Movement**).

Despite various attempts of civil society organizations to contribute to the development of the social security system, and active participation with the government sector in discussing and envisaging a comprehensive social security system for all insurance services, and transparent system based on the partnership among the parties of production, i.e., workers, employers and government, it was revealed to the civil society that there is a government team working on formulating the Social Security Law without the knowledge of other categories such as civil society and the private sector. In 2015, a copy of the draft Social Security Law was leaked, which the ministers discussed, sealed with the sentence: "confidential copy. It is prohibited to circulate it under liability" (**Seniora, 2019**).



The issue elicited civil society, which quickly took the initiative and called for a session to discuss the same draft law, with government representatives (the Cabinet, the Ministry of Labor, and the head of the National Social Security Team). However, until this phase, the government insisted on completing its work in legislating the law away from civil society's position. The President of the Palestinian Authority promulgated the law according to a law resolution² in 2016 bearing No.6, without taking into consideration any of the observations and objections raised by civil society (**Independent Commission for Citizen Rights, 2016**).

CIVIL SOCIETY FACING THE GOVERNMENT

The Palestinian President's passing the draft law accelerated the pace of the civil society organizations' movement, which held a series of consultative meetings during which it decided to announce the launching of the "National Campaign for Social Security", and included a wide range of representatives of political parties, civil rights and women's institutions, civil networks, trade union and professional associations, and elected a secretariat-general for the campaign to coordinate the work of civil society organizations and their movements (**Jaber, 2019**).

² It should be noted that following the 2006 Legislative Council elections and the Hamas victory of the majority of seats in the Council and its control by armed force over government in the Gaza Strip in 2007, the Palestinian division occurred between the West Bank controlled by the Palestinian National Authority and the Gaza Strip, which Hamas effectively controlled. This led to the failure of holding the entire Palestinian Legislative Council and in carrying out the tasks of legislation. Hamas's deputies continued to hold sessions and play the role of legislating and enacting laws, while the Palestinian Authority in the West Bank relied on an interpretation of Article (43) of the Palestinian Basic Law and referred to the Palestinian President the authority to legislate by issuing presidential decrees (law resolution) (Muwatin, the Palestinian institution to study democracy, 2016)

¹ - Birzeit University, *The Palestinian Legal and Judicial System (AL MUQTAFI)*
<http://muqtafi.birzeit.edu/pg/getleg.asp?id=14138>

The campaign has motivated civil society organizations to review the law and highlight their objections to it. It developed general headings to be discussed with the government and to put pressure to amend it, most notably:

1. Mechanism for enacting and passing the law: Civil society objected to drafting the law and discussing it by the government and referring it to the Palestinian president to be passed without informing civil society about it and involving it in the course of discussions.
2. Independence of the organization supervising the social security: The civil society considered that the entity supervising it should be independent of the government, its agencies and institutions, and those representatives of the various parts of society should participate in it (workers, government and employers).
3. Drafting implementing regulations for the law and procedures for its implementation according to timelines agreed upon among the society parties.
4. The rights of different social groups and categories in security, such as women, rates of their contributions to the social security fund, rights and privileges they receive, and guarantee of complete gender equality in the different rights resulting from participation in the social security fund.
5. Guaranteeing the fund of the social security fund and the state's pledge to guarantee the required fund from its participants' contributions³.

METHODS AND MEANS USED BY CIVIL SOCIETY

In light of the pressure and influence on the Palestinian government regarding the issue of the social security law, civil society used several methods, which are:

- Organizing the ranks of civil society organizations and seeking to unify their efforts by forming the National Campaign for Social Security, and agreeing to choose a secretariat-general to manage it and organize its communication with civil society organizations in the women, human rights, labor, professional, youth and other sectors.
- Sending letters and memoranda to the Palestinian President and the Prime Minister to demand that the law be halted and brought to public debate.
- Opening a wide societal dialogue among social categories, groups and sectors to obtain their observations on the social security law and organize the process of collecting and coordinating the proposed amendments to the law.
- Continuing the dialogue and discussion with the relevant government agencies such as the Ministry of Labor and presenting civil society's perceptions and proposed amendments to the law.
- Organizing mass actions such as demonstrations, marches, and protests in opposition to the law and various media outlets promote protests and mobilize mass movements.

³ For more details, visit the National Social Security Campaign website, hosted on the website of the Social and Economic Policies Observatory (Marsad): <https://www.almarsad.ps>

The National Social Security Campaign worked in various directions and levels, the most important of which are: The government's call to annul Decision Law No. 6 of 2016 for not meeting the conditions for community consensus, as it was not discussed for community research, and different groups and bodies were not allowed to discuss and comment on it. The national campaign launched series of sectoral discussions on the law among groups of workers, employees, women, youth and other societal groups and presented working papers and positions presented by many organizations in different sectors (Jaber, 2019). It also sent many letters and memoranda to the Palestinian President and the Prime Minister demanding that the law be halted and rediscussed for the community research. The campaign culminated in its efforts to organize street demonstrations and protests in which thousands of citizens participated (Khreisheh, 2019).

As for the position of the feminist movement on the proposed form of law, the Women's Center for Legal and Social Counseling, represented by the National Social Security Campaign, completed an analytical reading of the law and the loopholes in it from women's rights perspectives. The National Social Security Campaign and the Palestinian NGO Network⁴ adopted it as a partner in the campaign and various feminist and human rights organizations (Seniora, 2019).

As a result of the marginalization that women have suffered from, the Social Security Law acquires a very significant character for women as it is one of the most crucial pillars of social protection and a decent life for them. However, Law No. 6 of 2016 was passed without taking the opinion of women or involving them in its discussion, as they were excluded from participation in the board of directors of the Social Security Fund as stipulated by the law, in addition to the absence of the state's role as guarantor of the funds of the shareholders in the Social Security Fund (Women's Center for Legal and Social Counseling, 2016).

Furthermore, the law excluded from the right to social security all those "who have an irregular relationship with the employer", and postponed joining other groups to the social security fund such as "domestic servants", which mainly affects women who constitute the largest proportion of domestic workers. Most of them are outside the working framework, making them the most affected by the law rather than protecting their rights. The articles of the law also dedicated the distinction between men and women in several texts related to the inheritance of the retirement pension or natural death pension if the deceased was male or female, and the terms and conditions for inheriting the salary of a husband or wife, noting that the law itself did not distinguish between males and females in the payment of the contribution fee in the retirement fund (Women's Center for Legal Aid and Counseling, 2016)⁵.

⁴ The Palestinian Civil Organizations Network is a voluntary, democratic, civil coalition established in 1993, which includes in its membership 130 Palestinian civil work organizations with a long history of community work that aims to preserve the spirit of the authentic national belonging of the Palestinian people and preserve their inalienable national rights to return, self-determination and national independence, civil work upholding the values of social justice, democracy and respect for human rights on the one hand, strengthening bonds, spreading and expanding the base of community awareness and influencing policies at all levels of decision-making. Palestinian NGO Network, website: <http://www.pngo.net/?lang=ar>

⁵ For more details, the analytical reading of the Women's Center for Legal and Social Counseling is available on the Center's website: <http://www.wclac.org/files/library/11/18/vkhxunlrqidr2ewt2hapex.pdf>

ACHIEVED RESULTS

In the wake of the National Social Security Campaign's movements, the Palestinian President issued directives to stop the implementation of the law and return it to the Council of Ministers to review, conduct a societal discussion about it, and amend it after consultations with the relevant parties. A series of meetings were held in which the General Secretariat of the National Campaign participated in and during which it presented all the observations it had monitored on the Social Security Law, which resulted in drafting a new version of the law that was referred to the Palestinian President, who passed and issued it as a law resolution No. 19 of 2016. The new version included an investigation of some of the community's civil society demands (Jaber, 2019).

The campaign stated that it achieved a series of amendments included in the new version of the law after a five-month dialogue with the ministerial committee in charge of conducting a community dialogue due to the support and the popular movement. The most prominent of these amendments are: the state is the guarantor of the Social Security Fund and the shareholders' funds after the shareholders' funds lacked a guarantor, the increase in the number of workers/employees in the fund's board of directors from 4 to 7 members, the woman's benefit from maternity leave after 3 contributions instead of 6, a husband receiving the deceased wife her retirement pension, reducing the number of necessary contributions for retirement from 360 to 300 for men and from 300 to 240 for women, achieving positive discrimination for people with disabilities who now benefit from the retirement pension after 10 years' contributions, and the entitlement of persons with disabilities to the death pension of their relatives even if they exceed the age of 21. However, the campaign indicated that its role has not ended yet but will continue to monitor the implementation of the decree resolution, the issuance of implementing regulations, and the stage of establishing the insurance institution (**National Campaign for Social Security, 2016, the campaign committed and accomplished what it pledged, <https://www.almarsad.ps/archives/444>**).

The issues did not stop at this point. The law in its new form was quickly refused by many parties, particularly employers, and some parts of civil society, who considered the amendments insufficient. Within several months, the formation of the unified Palestinian movement was announced, which raised the slogan "Drop the Social Security Law".

This movement attracted broad groups and categories of opposition to the law mobilized them, and organized a series of wide popular movements over more than a year in major city centers. At the end of January 2019, the Palestinian President issued a presidential decree suspending the implementation of the Social Security Law and its amendments until a national consensus was reached on the law and the date of its implementation.

LESSONS LEARNED

- With its unity, integration, and organization of work among all its parties and its expression of different social groups' interests, civil society can play an effective role in decision-making.
- Civil society has succeeded in influencing government policies and pushing them to adopt laws related to social security, and in some cases, to drop draft laws that were not commensurate with the aspirations of vulnerable social groups and segments.
- Civil society has not been able to devote its achievements in this field. Several factors have contributed to thwarting the efforts of civil society, the most important of which is the contradiction of the aspirations and plans of civil society with the aspirations of one of the three parties of production, which is the capital that is based on the Palestinian Basic Law that is based on the liberal model (the free market economy), as well as the division of civil society and the disintegration of its various institutions.
- It is difficult to regulate social security in a legal framework without the consensus of all societal parties (government, employers and civil society).



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BREAKING THE MOLD PROJECT

In mid-2018, the "Civil Society Actors and Policymaking in the Arab World" program at IFI, with the support of Open Society Foundations, launched the second round of its extended research project "Arab Civil Society Actors and their Quest to Influence Policy-Making". This project mapped and analyzed the attempts of Arab civil society, in all its orientations, structures, and differences, to influence public policy across a variety of domains. This research produced 92 case studies outlining the role of civil society in impacting political, social, economic, gender, educational, health-related, and environmental policies in ten Arab countries: Lebanon, Syria, Palestine, Jordan, Egypt, Morocco, Tunisia, Yemen, and the Arab Gulf.

Over two dozen researchers and research groups from the above countries participated in this project, which was conducted over a year and a half. The results were reviewed by an advisory committee for methodology to ensure alignment with the project's goals, and were presented by the researchers in various themed sessions over the course of the two days.

THE CIVIL SOCIETY ACTORS AND POLICY-MAKING PROGRAM

at the Issam Fares Institute for Public Policy and International Affairs at AUB, examines the role that civil society actors play in shaping and making policy. Specifically, the program focuses on the following aspects: how civil society actors organize themselves into advocacy coalitions; how policy networks are formed to influence policy processes and outcomes; and how policy research institutes contribute their research into policy. The program also explores the media's expanding role, which some claim has catalyzed the Uprisings throughout the region.

THE ISSAM FARES INSTITUTE FOR PUBLIC POLICY AND INTERNATIONAL AFFAIRS AT THE AMERICAN UNIVERSITY OF BEIRUT

The Issam Fares Institute for Public Policy and International Affairs at the American University of Beirut (AUB Policy Institute) is an independent, research-based, policy-oriented institute. Inaugurated in 2006, the Institute aims to harness, develop, and initiate policy relevant research in the Arab region. We are committed to expanding and deepening policy-relevant knowledge production in and about the Arab region; and to creating a space for the interdisciplinary exchange of ideas among researchers, civil society and policy-makers.

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