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## **SOCIAL PROTECTION AND DEVELOPPING COUNTRIES: A VIEW FROM SOUTH ASIA**

### **I.) Introduction – some thoughts on definitions**

**Family** is a complex entity, and globally, what constitutes a “family” is in the process of radical change, with many patterns observed:

- Multigenerational families as life expectancy increases;
- Two generation families – partly associated with lifestyle changes and partly due to migration;
- In the developing world, increasing numbers of single-headed households, usually a mother and her children; and temporary singles who migrate for work.
- Also in developing countries, child-headed households, with the eldest child looking after siblings after the migration or death of both parents;
- Patchwork families as separation and remarriage/new partnerships become more common;
- Families with same sex parents, mostly found in developed countries;
- Middle class families with extended households where household helpers live in the household; in developed countries, helpers by law fall under the employer’s social protection purview for health, child education, and pension contributions; paternalistic, not rights-based similar processes in developing countries;
- Single adult households, who even if single and childless themselves, have parents and thus do have “family”.

The ambit of family policy might be limited to government policy so as to be clearly defined and to ascribe responsibilities. All government policy ultimately can be cast as family policy, in the sense of looking at family impact in policymaking, because all policymaking impacts on a country’s residents – citizens, migrants, refugees.

### **Family functioning** depends on

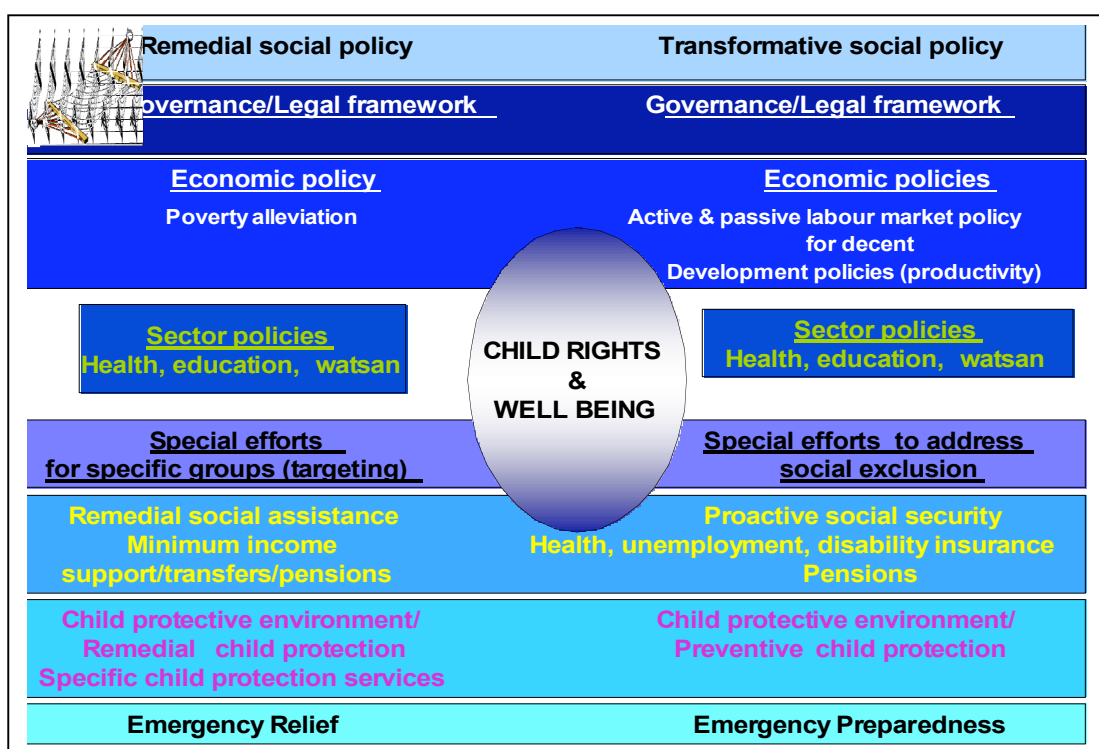
- economic structures and performance as they impact on access to food and nutrition and access to incomes, assets and sources of livelihoods;
- social policies in the more narrow sense of inclusive access to quality education, health, shelter and associated access to water, sanitation, energy and other social infrastructure;
- the provision of universal at least basic social protection;
- support to and delivery of care services; and
- policies including attitudes and behavior, and behavior change.

This list is similar to DESA’s scope: family creation; economic support; childrearing; and family care giving, and could be subsumed under the notions of production, reproduction and care (UNRISD). The policy areas thus address the MDGs 1 through 7, as well as youth employment (MDG 8),

complemented by elements from the Universal Declaration of Human Rights, the Covenants, and the Convention on the Rights of the Child.

**Social policy** has two modes (Fig 1), a reactive one to smooth out acute idiosyncratic or systemic problems and prevent abject poverty or acute malnutrition; and a transformative one – enabling social change at the household, community and macro social level. Social protection can also be seen in that double mode.

Figure 1 Remedial and transformative social policy



Source G Köhler

**Social protection** has in recent years seen a surge of interest in development discourse, in developing countries and among donor agencies. This was in part triggered building on the experiences in Latin America around conditional cash transfers, and the African experience on intergenerational care in the context of HIV/Aids.

The well-established delineation of social protection as comprising social assistance and social insurance is useful; in this note, social protection is conflated with social assistance, as social insurance is of limited scope and coverage in developing countries.

There are two core aspects of social protection in view of family policy. The first is as an enabler of family functioning, and the second is as of the need to cast social protection as a social

contract which contains an intra-generational notion of social justice and income redistribution from better-off to low-income families (via taxation), and an inter-generational notion of burden shifting (via financing modalities). Financing – the affordability debate - needs to be part of both the intra- and the inter-generational mode.

## II. Existing policies/programmes in the context of developing countries – some South Asian experiences

South Asian governments have been using conditional and a few unconditional cash transfers for decades, and are putting in place more systemic approaches to social protection in recent years (Köhler and Stirbu 2008; Cali 2009). They can be classified into social assistance, formal social sector security, social protection transfers which are “sectoral”, such as related to health or education, and social protection in emergencies. Some social protection schemes address social exclusion, such as stipends for girl children or excluded groups (Table 1).

Table 1

### Social protection in South Asia

Country	Social Assistance	Formal-sector Social Security	Sectoral Social Protection transfers				Emergency Social Protection transfers
			Child benefits	Health-related transfers (e.g. maternity benefits)	Education-related transfers (e.g. school meals, stipends)	Employment-related transfers (e.g. public works schemes)	
Afghanistan		✓				✓	✓
Bangladesh	✓	✓		✓	✓	✓	✓
Bhutan					✓		
India	✓	✓	✓	✓	✓	✓	✓
Maldives							
Nepal	✓	✓		✓	✓	✓	✓
Pakistan	✓	✓		✓	✓	✓	✓
Sri Lanka	✓	✓			✓	✓	✓

Source: UNICEF ROSA 2008

- o Established social protection programmes in South Asia <sup>12</sup>

Some **examples of social protection-type programmes** (Koehler 2008, Cali 2009):

- o National Rural Employment Guarantee Act, India: Introduced in 2005 the NREGA offers 100 days of paid employment in rural public works schemes. If a public works scheme is not established, there is an entitlement to 100 days of a social transfer. Some noteworthy design features include minimum wage; equal pay for equal work; and on-site crèches with a child minder hired from among the community where there are more than 5 pre-school age children in the workers’ community. The family impact is to improve household income in the lean season and to have established a right to employment. However, in most states, piece wage is used, and as the workload is very high, families often resort to working as a team, thus reintroducing child labor through the back door. Similar schemes have been introduced in Bangladesh and Nepal.
- o In Bangladesh, child workers are inducted into non-formal schools so as to provide a minimum

<sup>12</sup> For a similar overview on West and Central Africa, See Jones 2008.

- education, skills and knowledge about their rights. Work in sweatshops or households continue, but the approach is primarily to break the intergenerational transmission of poverty by supporting the working child to grow up capable of taking on formal sector employment.
- In Pakistan, families of working children receive a monthly transfer conditional on the child returning to school full time. The family impact is economic – to substitute the income flow generated previously from child labor – and social-behavioral, in that child labor is demonstrated as unacceptable.
  - Bangladesh girl child stipend for secondary school: Monthly stipend transferred to girl student’s bank account provided she remains in school, has pass grades, and remains unmarried. The accumulated fund can be withdrawn when the girl completed her schooling. It is seen to have helped Bangladesh reach gender parity in education, increased women’s formal sector employment post-school, and delayed the age of marriage.
  - Afghanistan and Pakistan transport support for women teachers: Women teachers are provided with secure and protective transport to and from school, enabling women to be teachers in locations away from the home. The objective is to increase women’s employment opportunities and improves chances of girls going to school, as there are women teachers and role models.
  - Nepal social pension: Introduced in 1995 with progressive increases in the benefit and decreases in the eligibility age. Currently all citizens over 65 years, unsupported widows over 60 years, and people living with disability, are entitled. It is a non-contributory, rights-based social transfer. In theory, over time, the impact could be to change the reliance on sons for old age security, if citizens were convinced that their entitlement to and the level of pension, once they reach old age, is secure. There could notionally be an impact on girl children and even on family size.

With the exception of the Nepal social pension, all of these interventions can be classified as conditional cash transfers – and as building blocks for systems of social protection. These examples moreover show the interrelatedness of policy making for social protection and for family policy, since they impact on family decisions about work, as well as on gender equality and intra-household empowerment.

### **III. Social protection areas**

Social protection is a universal right. Its conventional primary function is to avoid or redress economic poverty, but social protection interventions are also a means to address particular vulnerabilities, such as those who are socially excluded, those who are very young or very old, groups affected by crises, and migrants. The challenge is to find two-pronged models providing universal social protection and addressing (“targeting”) the disadvantaged and excluded through special efforts (Köhler and Keane, 2006).

- **Social protection and the socially excluded**

Social exclusion on the basis of gender, ethnicity, caste, language, religion, location, ability

and other vectors deprives individuals and communities of political voice and representation, of equitable access to social services, and of access to assets and predictable livelihoods and decent work. Across South Asia – and across the globe – groups who are economically and socially excluded live with gaps in health, education, access to essential social services, adequate shelter, and generally see their rights unfulfilled. Social protection interventions can be used as measures for compensation and affirmative action, and provisions need to be factored into universal social protection to focus transfers – and services – on vulnerable groups and areas. One idea is to introduce universal categorical transfers, such as a child benefit or a pension, to vary the benefit by degree of deprivation in the region concerned, and to couple it with the right to and massive campaigns for information, as well as behavior change communications.

#### ○ **Social protection and children**

Children, globally, are the most vulnerable group in society, as they do not generally have voice when they are very young, and are not necessarily heard when they do have a voice. They are primarily reliant on family – in the broad sense – to have their rights realized.

Children comprise the largest proportion of the population in all developing countries; with the youngest populations often in the poorest countries. Across the globe, children are over-represented among the poor, and the impact of age-based discrimination is compounded for children from marginalized communities, and who are additionally excluded due to gender, disability or other factors.

In developed countries, systemic provisions are in place to protect child rights and ensure that families “function”. In many developing countries, “oversight” bodies do not exist, and services and social transfers to support family functioning are fragmented – and often conservative and patronizing in their approaches. Child rights are fundamental, and moreover, a neglect of children’s rights to nutrition, health, education and care can have effects that are not reversible. A case is therefore made that children be prioritized in any social to protection programmes. Child-sensitive social protection could be may follow a set of principles (Unicef 2008) such as:

- Addressing the age and gender specific risks and vulnerabilities of children
- Intervening as early as possible where children are at risk, in order to prevent irreversible impairment or harm to children
- Recognizing that families raising children need support to ensure equal opportunity for children and to ease the childcare-work dichotomy for parents/caregivers;
- Making special provision to reach children who are most vulnerable and excluded, including children without parental care, as well as children who are marginalized within their families or communities due to their gender, disability, ethnicity or other factors.

Ultimately, child-sensitive social protection would mitigate the effects of poverty on families, strengthen families in their childcare roles, and enhance access to basic services for the poorest and marginalized, as well as be responsive to children who are at risk by virtue of living outside a family environment, as well as to those who suffer from abuse and discrimination at home.

○ **Social protection, migration and displacement**

Humanitarian crises and natural disasters are increasing, and conflicts becoming more protracted, globally, and notably in developing countries (figures 2 and 3). Internal and cross-border displaced and refugee groups number 67 million (26 million are conflict-driven IDPs and 25 million are natural disaster-driven IDPs (UNHCR 2007)). Moreover, migration in search of work, much of it distress driven, is becoming a way of life, with an estimated 200 million official trans-boundary migrants recorded globally (IOM 2009) – if intra-country and informal sector migrants were recognized, the number would be a multiple of this. Displacement and migration are the most visible area in terms of impact on families – whether there is a single migrant from a household, or the family migrates, social and psychological impact is part and parcel of the experience – and more often one of distress than of “liberation”.

Migrants from developing countries are generally not eligible for social protection and other family services in the host country, and usually do not earn health insurance or old age pension entitlements, leaving them especially vulnerable on all counts. Given the scope and the scale of the issue, social protection for these groups of people is an urgent policy issue, and shows the interface of lack of decent work opportunities and of social protection in home countries – which drive low-income migration – and the gap in international provisions for migrants.

Figure 2. Frequency of conflict

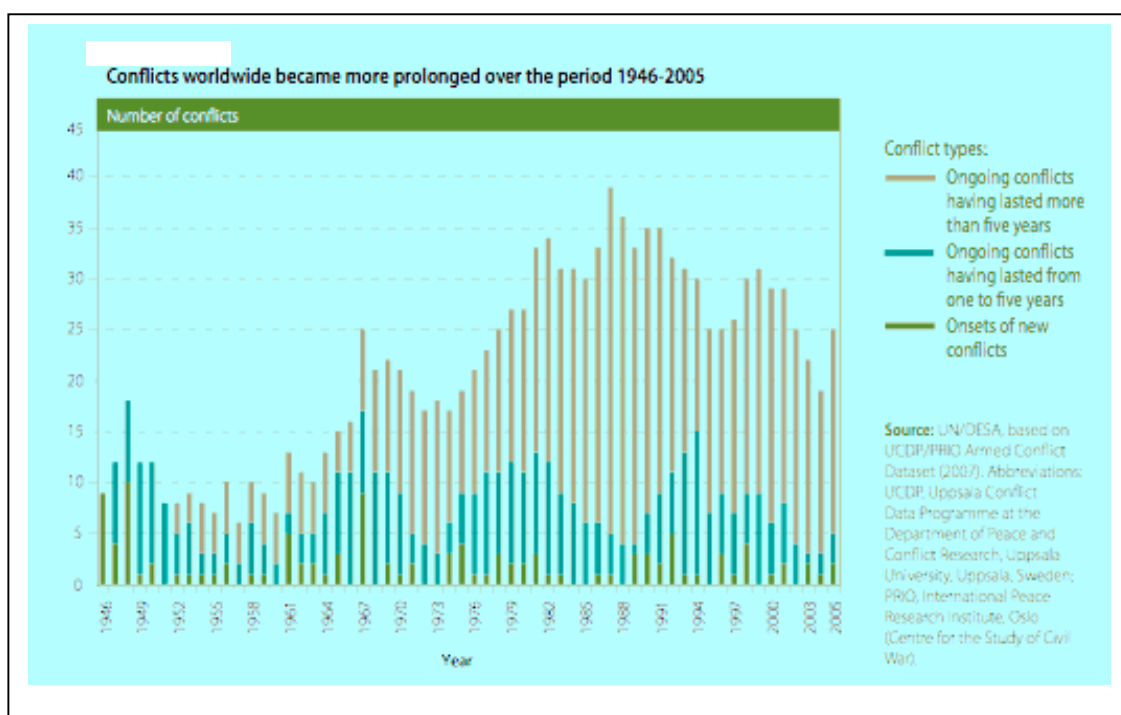
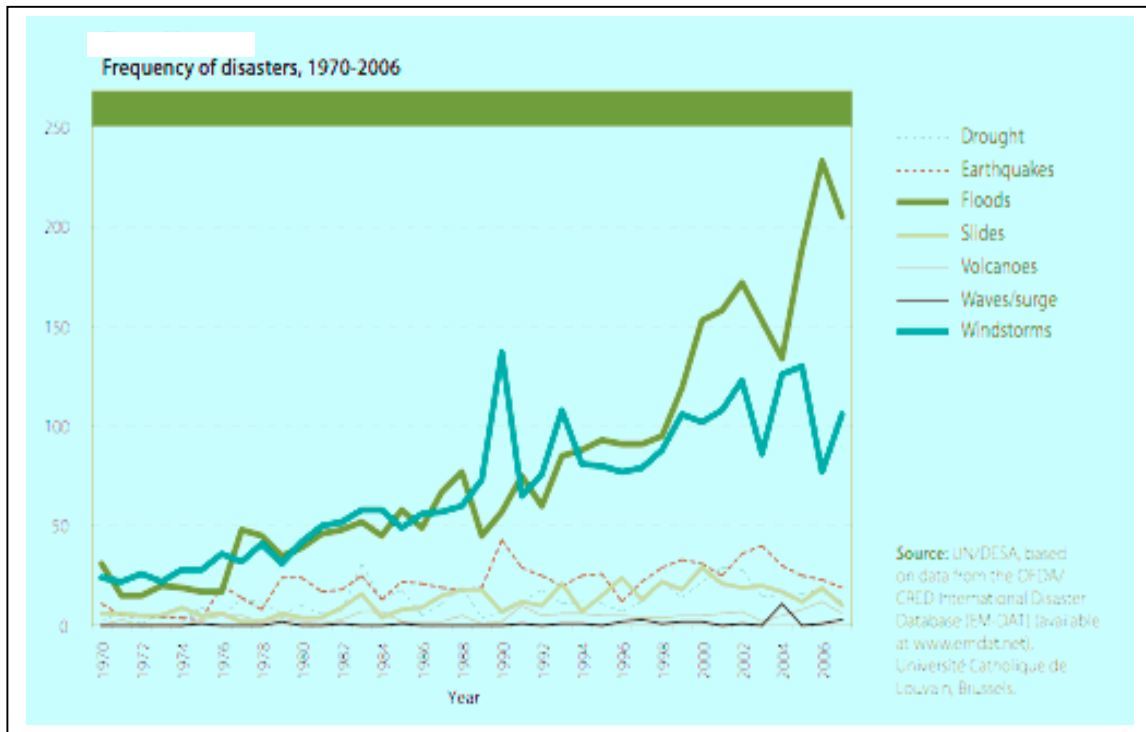


Figure 3. Frequency of natural disasters



#### IV. Policy pointers (or “lessons learned) include

- The need for a rights based approach to social protection interventions. This means that consultations with groups and individuals for whom the programmes/interventions are designed are a necessity and need to be built in from inception, rather than as an afterthought. This is to avoid unwanted side effects and more importantly to ensure the social protection measures are empowering rather than patronizing. There is also a need to design social protection interventions in such a way that they reach and advantage socially excluded groups and enable them to claim their rights.
- The rights based approach needs to apply also in post-conflict and emergency situations, where displaced populations often find themselves subjected to decisions of service providers without any consultation as to their needs and requirements and regarding a division of labor between the displaced groups and the agencies delivering services. Well-designed, social transfers can serve as a “healer” and unifier,<sup>13</sup> and as a modernizer and equalizer.<sup>14</sup>
- Provisions for emergency-responsive “surge” social protection, and the situation of work migrants needs to be factored into social policy at the macro level, and ex-ante.
- With regard to the design debate among academics as well as policy makers around conditionality, there are “good” and “bad” conditionality. Good ones can be those that empower, for instance a cash transfer directly to a girl child – the Bangladesh stipend - or to a mother which enables her to negotiate her visit to a clinic or registering her child at birth. “Bad” ones are those that compound burdens on care givers or have a punitive effect, such as being withdrawn when then

<sup>13</sup> In the Nepal advocacy for a universal child grant, the case is being made that it could serve as a peace dividend and to overcome social exclusion.

<sup>14</sup> In earthquake-recovery related transfers in Pakistan, families were obliged to set up bank accounts and banks were obliged to arrange for cost-free accounts.

- household does not “comply”.
- The need for anthropology and sociology type research and evidence on intra-family behaviors and structures, to avoid inadvertently condoning or even reinforcing oppressive patterns of behavior. Harmful traditional behaviors – social exclusion and gender discrimination, violence and oppression in the family, community and larger polity – need to be addressed and overcome.
  - The need for a political debate on the affordability of social protection: social protection interventions cost between 1 and 3% of GDP, and the fiscal space needed to offer at least minimum packages of social protection is a matter of political will around tax to GDP ratios, fiscal expenditure priorities, and the role of government (Unicef Regional Office South Asia, 2008; UN-DESA; Ortiz).

## **V. Particular policy needs and recommendations for inclusive, family-oriented social protection**

From the above, it can be argued that Governments and the international community consider a set of actions – starting fundamentally from the right to food, livelihoods, nutrition laid out in the Universal Declaration of Human Rights and the Convention of the Rights of the Child, and focusing on social protection as an “umbrella policy”. By way of illustration, Annex table 1 shows the legislative situation in South Asia.

### **Recommendations addressed to Governments (non exhaustive list)**

- The full ratification and actual realization of all global and regional human rights instruments (UDHR, Covenants, Convention on the Rights of the Child, CEDAW and CERD, regional charters) so that citizens and residents can claim their rights and governments be held accountable;
- The ratification of key labor conventions conducive to “decent work” (Minimum wage, Minimum age, Right to Organize, Right to bargaining, Migration Convention and others) so that families can live in dignity and provide for themselves;
- Adopt ILO social security conventions and build national, inclusive and ideally universal social protection systems to anchor social protection in each society, and budget for it,<sup>15</sup> so that all individuals and families enjoy socio-economic security;
- Adopt the ILO Homework Convention which looks directly into the work-family interface in the informal economy and contains provisions on decent work, social security, and child labor;
- Engage in public debate and consultations on family-oriented and child-sensitive social protection transfers and services.

### **Recommendations to the international community: Regional harmonization of legislation and policy and global advocacy around a minimum social protection package**

- Alignment of national legislation and economic policies across regions to create a “high road”

<sup>15</sup> See DESA, ILO, UNICEF work on the affordability of social protection.



of decent work and social protection;

- Work with regional bodies to advocate for universal social protection;<sup>16</sup>
- Introduce a notion of the cross-border portability of rights (Nundy 2008);
- Work within the UN system on a “global social floor” or minimum social protection package.

## Recommendations to the UN family: alignment around a universal, rights-based social protection package

- In light of the G20 Summit outcome, seize the opportunity of emerging “global fiscal space” and the paradigm shift to advocate for universal, rights based social protection for all, building on the Universal Declaration of Human Rights, and the renewed commitment of the international community to social justice, economic growth and the MDGs.

Annex 1.

SOUTH ASIA: Status of International and regional conventions

	Afghanistan	Bangladesh	Bhutan	India	Maldives	Nepal	Pakistan	Sri Lanka
Convention on the Rights of the Child (CRC, 1989) <sup>1</sup> (OHCHR)	27-Apr-94	2-Sep-90	2-Sep-90	11-Jan-93	13-Mar-91	14-Oct-90	12-Dec-90	11-Aug-91
Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (CRC-OP-AC, 2000) <sup>1</sup> (OHCHR)	24-Oct-03	12-Feb-02	15-Sep-05	30-Dec-05	29-Jan-05	3-Feb-07	26-Sep-01	8-Oct-00
Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (CRC-OP-SC, 2000) <sup>1</sup> (OHCHR)	19-Oct-02	6-Oct-00	15-Sep-05	16-Sep-05	10-Jun-02	20-Feb-06	26-Sep-01	22-Oct-06
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) <sup>1</sup> (OHCHR)	4-Apr-03	6-Dec-84	30-Sep-81	8-Aug-93	31-Jul-93	22-May-91	11-Apr-96	4-Nov-81
Optional Protocol to CEDAW (CEDAW-OP, 1999) <sup>1</sup> (OHCHR)	n.r./h.s.	6-Dec-84	n.r./h.s.	n.r./h.s.	13-Jun-06	15-Jul-07	n.r./h.s.	15-Jan-03
Convention on the Elimination of All Forms of racial Discrimination (CERD, 1965) <sup>1</sup> (OHCHR)	5-Aug-83	11-Jul-79	26-Mar-73	4-Jan-69	24-May-84	1-Mar-71	4-Jan-69	20-Mar-82
Covenant on Civil and Political Rights (CCPR, 1966) <sup>1</sup> (OHCHR)	24-Apr-83	6-Dec-00	n.r./h.s.	10-Jul-79	19-Dec-06	14-Aug-91	17-Apr-08	11-Sep-80
Covenant on Economic, Social and Cultural Rights (CESCR, 1966) <sup>1</sup> (OHCHR)	24-Apr-83	5-Jan-99	n.r./h.s.	10-Jul-79	19-Dec-06	14-Aug-91	17-May-08	11-Sep-80
Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990) <sup>1</sup> (OHCHR)	n.r./h.s.	7-Oct-98	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	1-Jul-03
Convention on the Rights of Persons with Disabilities <sup>1</sup> (OHCHR)	n.r./h.s.	3-May-08	n.r./h.s.	3-May-08	n.r./h.s.	3-Jan-08	25-Sep-08	n.r./h.s.
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organised Crime (2002) <sup>2</sup> (UNODC)	n.r./h.s.	n.r./h.s.	n.r./h.s.	12-Dec-02	n.r./h.s.	n.r./h.s.	n.r./h.s.	13-Dec-00
SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002) <sup>3</sup> (SAARC)	n.r./h.s.	10-Jun-02	4-Sep-03	2-Sep-03	28-Dec-03	31-Oct-05	16-Nov-02	31-Dec-04
SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia (2002) <sup>3</sup> (SAARC)	n.r./h.s.	5-Jan-02	5-Jan-02	5-Jan-02	5-Jan-02	5-Jan-02	5-Jan-02	5-Jan-02
Forced Labour Convention No. 29 (1930) <sup>4</sup> (ILO)	n.r./h.s.	22-Jun-72	n.r./h.s.	30-Nov-54	n.r./h.s.	3-Jan-02	23-Dec-57	5-Apr-50
Freedom of Association and Protection of the Right to Organise Convention No. 87 (1948) (ILO)	n.r./h.s.	22-Jun-72	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	14-Feb-51	15-Sep-95
Right to Organise and Collective Bargaining Convention No. 98 (1949) <sup>4</sup> (ILO)	n.r./h.s.	22-Jun-72	n.r./h.s.	n.r./h.s.	n.r./h.s.	11-Nov-96	25-May-52	13-Dec-72
Social Security (Minimum Standards) Convention No. 102 (1952) <sup>4</sup> (ILO)	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.
Minimum Age Convention No. 138 (1973) <sup>4</sup> (ILO)	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	30-May-97	6-Jul-06	11-Feb-00
Migrant Workers (Supplementary Provision) Convention No. 143 (1975) <sup>4</sup> (ILO)	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.
Maintenance of Social Security Rights Convention No. 157 (1982) <sup>4</sup> (ILO)	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.
Indigenous and Tribal People's Convention No. 169 (1989) <sup>4</sup> (ILO)	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	14-Sep-07	n.r./h.s.	n.r./h.s.
Home Work Convention No. 177 (1996) <sup>4</sup> (ILO)	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.	n.r./h.s.
Worst Forms of Child Labour Convention No. 182 (1999) <sup>4</sup> (ILO)	n.r./h.s.	12-Mar-01	n.r./h.s.	n.r./h.s.	n.r./h.s.	3-Jan-02	11-Oct-01	1-Mar-01

a	accession
r	rati ed
s	signature only
n.r./h.s.	not rati ed/not signed

Source:

- 1 <http://www.unhcr.ch/tbs/doc.nsf>
- 2 <http://www.unodc.org/unodc/entreaties/CTOC/countrylist-traffickingprotocol.html>
- 3 [www.saarc-sec.org](http://www.saarc-sec.org)
- 4 <http://www.ilo.org/ilolex/cgi-tex/pqconv01.pl?host=status01&texbase=loeng&chspec=30&hitdirection=1&hitstart=0&hitrange=1500&highlight=on&context=&query=%23status%3D01&chspec=1&query0=0&query1=&query2=&year=&title=&query3=%23status%3D01&sortmacro=sortconv&submit=Submitquery>

<sup>16</sup> Unicef Regional Office South Asia and the SAARC Secretariat are exploring this avenue.

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