

GLOBAL STUDY ON NON-TAKE UP OF THE SOCIAL PROTECTION BENEFITS
launched by Olivier De Schutter, Special Rapporteur on extreme poverty and human rights
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What are the main remaining gaps in the social protection system in your country? Which population groups, and in which regions, are insufficiently covered by social protection schemes?

The social protection system in DR Congo covers only a very small proportion of workers: staff of public services and employees of big firms and companies. There are huge challenges to be met. For the moment, the system is weak because it is based on few contributions, and is faced with non-payment of employee and employer contributions by a large number of companies for various reasons, including the economic weakness of these companies, non-compliance with the tax system in order to earn more, and non-compliance with employees who are powerless under the pressure of unemployment, and the weakness of the trade union or industrial tribunal defense, and corruption.

The word non-recourse is not a known vocabulary but its content is an everyday reality for employees.

- The phenomenon itself is something we experience every day. Instead of this word, we speak of discrimination, of powerlessness.

- I didn't know the term before, but I am still familiar with this phenomenon where many people who are eligible for rights do not claim them for various reasons. Instead of non-use, I usually use the word "indifference". Some people talk about "renunciation", but in my opinion, renunciation implies that the person has freely decided to give up. In reality, when a person does not claim a benefit, he or she suffers the situation, and yet remains indifferent.

- "Non-tak up is a situation that we experience every day, but we are already tired of making complaints."

For the informal workers we interviewed, there are no benefits that they really enjoy.

The most tangible safety net for the population is family or community solidarity. This is especially true in the area of health. Mutual insurance associations are of great help to those who can contribute. The poorest households rely on solidarity, but it is not much in the face of the exorbitant costs of health care.

For employees, the shortcomings are from the point of view of monitoring the application of the labor code and social protection.

There are several situations of non-compliance with the law and no control or prosecution, no possibilities of recourse for the injured parties.

To what extent do conditionalities attached to the granting of social protection benefits undermine social protection systems? What is the impact of these conditionalities on people experiencing poverty?

People experiencing poverty are far removed from the system. The fact that access to social security is only available to registered employees and staff in the public and in the firms is a limitation.

There has been an important fight by civil society for free schooling but in reality schooling is still paid for in an indirect or unofficial way. The small public schools where parents in poverty can send their children because schooling is cheaper are often of lower quality and could not function without a contribution per child and it is the parents who pay it.

The birth certificate of children for schooling is compulsory and even though it is forbidden to refuse access to the termly examination rooms to pupils whose school fees have not yet been paid, some head teachers still do so.

The lack of an identity card is also an obstacle, and the process of obtaining one is very complicated.

Lack of identity documents can be a barrier to care.

Non-gratuity or partial coverage for school is a barrier that many cannot overcome. If someone cannot pay the fees for hospital care, even if the care is not completed, it is suspended and the person is removed from the room, but kept in the hospital until the family can pay the full fee. One woman said that a child died because of lack of treatment because several health centers refused to treat the sick child because the mother could not pay the fees.

An employee who had an accident at work was taken to the health center but when she went back to her boss to be treated, he refused, saying that she should have reported the accident to the management first. She didn't know this and couldn't go before getting treatment either.

What role does corruption play in the exclusion of individuals and households from social protection schemes? How does corruption affect the delivery of public services to population groups in your country?

Overall, corruption robs the system of the means to function, the budget and the staff. If the budget is used for other purposes, the social protection missions will not be fulfilled. If there is corruption in the functioning of the services, it does not create a climate conducive to the public service mission. There is distrust, and lack of confidence in the chances of obtaining one's rights, which discourages aggrieved people from seeking redress.

Social protection, as its name suggests, protects the most vulnerable households. Without this protection, their vulnerability is greater. Examples:

- a person working in a public institution was ill and started a procedure for care, he was asked for a lot of details and papers. The file was to be sent to the capital and wait for the outcome. In the end the employee got nothing, he thinks that all this was to appease him. In reality, it was his superiors who benefited from the money that was intended for him. His life depends on this work; he was forced to accept the situation as it was.

What are the barriers that prevent eligible individuals and households from accessing the benefits to which they are entitled?

For employees:

- The lack of respect for their rights and their fragility to seek recourse, whether in the private or public sector. Ex:

- after years, an employee of a public company has no assignment.
- Another works for one of the largest companies in the country, but through another subcontractor. When there is a problem, he is sent from one to the other to claim his rights.

- Another person is entitled to free housing, provided by the public company, it is stipulated in his contract. Yet he is asked for rent and no one knows who benefits from the money collected.

- The SMIC is not respected
- many employees are not declared to the National Institute of Social Security. (INSS)
- one person says that there is support for children's schooling, but she never receives it. She is on her own.

- The union can be manipulated by the company's management.

- Employees sometimes prefer not to be registered because it costs money and they don't see the benefits, as they find it difficult to access the benefit. One person said 'many people do not want to register with the INSS because those who are already registered complain a lot, they have to follow complicated procedures to get their pensions.

- Fear of losing one's job

What are the economic, psychological and political effects of non-use, both for the people concerned and for the state?

- People lose confidence in the state and the government. They remember all the broken promises.

- Lack of knowledge about procedures and rights

- the justice system is not reliable.

- The labour inspectorate does not play its role in controlling and sanctioning non-compliance with the law.

- Institutional abuse has an impact on people, they feel humiliated, abandoned. They have to get by on a small salary knowing that benefits are not paid to them as they should be;

- With very low wages and no social protection, workers cannot send all their children to school. They have to choose which children to send to school.

- Workers have to bear a lot of the risks of life, without protection and especially workers in the informal sector.

- Testimonies:

- "When you work in difficult conditions and you don't manage to access everything you are entitled to; you can't be able to meet all the needs of the family. The person is stressed. They feel stigmatised to a point where they cannot feel comfortable in their own skin. In some circumstances this can make the individual feel powerless and affect their relationship with their family and everyone around them. It leads to despair."

- "Economically, it makes the family weak since the father or mother is not able to feed his or her children and raise them in the best conditions. Sometimes the person is forced to take on debts, beg or do dirty jobs to save himself and his family."

- "When one falls ill and has no assistance, well, one is obliged to draw on one's salary or contract a debt to get treatment. When you have children who have to go to school, you have to pay their school fees out of your salary. If you have a family to feed, you are supposed to take it out of your salary. However, as I said, our salary is so meagre to provide for all these needs. Already this salary is not enough and it is badly calculated. In a situation like this, we can't save.

- On a personal level, it doesn't allow us to maintain good relations with our families and all our relatives, because we are unable to offer them what they need, what they expect from us. We are not proud when we think about it. Our children are not proud either when they go to school with fear in their stomachs. They can be expelled at any time. And what is difficult in life is to live with despair.

- People in deep poverty pay more for public services, because they often cannot receive benefits and sometimes they are even taxed twice. Example: during the most difficult period of the Covid crisis, the government granted free water for 3 months, (suspension of water bills on subscriptions) but this affected only a part of the population. More than half of the households have no access to running water, no subscription. Even some individuals who sell their tap water to these families have tried to charge them more during this period.

How can non-use of benefits be reduced?

- Consider that benefits are a right to be recognized for all employees and not to be seen as a favor or a simple gesture of charity.

- That the ideas of people in extreme poverty or those who have been victims of this phenomenon of non-use are taken into account in the reflection and implementation of measures relating to social security.

- That the texts that already exist can be applied, because our country has some very interesting laws on social protection but which are currently dead letters.
- There must also be credible services that can accompany workers.
- Fighting corruption and fraud would be a very effective way of making things easier for those seeking social services.
- It would also be important to organize awareness campaigns.
- That all nations of the world adopt a universal social security model. The International Labor Organization should play the role of monitoring the implementation of social security measures.

To what extent are informal workers protected by the social protection schemes provided by the state in your country? What measures have been put in place to help informal workers move into the formal economy? What challenges remain?

Informal sector workers are numerous and are forced to rely on family or group solidarity to cope with the vagaries of life such as illness, accidents, mortality, old age.

A group of workers have joined together to set up a savings system to contribute to a mutual insurance company and support those who are ill. They also wanted to set up a project to diversify their activity or retrain because most of them are exhausted from their work as load carriers. They know that they will not be able to continue this activity at a certain age and yet they have to continue working, they have no pension. They have no other social protection.

Ensuring that basic services are provided in sufficient quantity, quality and free of charge is an immense challenge, but one that is indispensable if a state is to live up to the expectations of the population and to the courage and dignity of the workers?

Acting on health, taking into account employees who are too tired or too old to pursue a remunerative activity.

We can conclude with the wish of a worker:

- That the States put in place social policies for the well-being of those who work in the informal sector, because there are many of them in developing countries.

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