

Introduction: Reflecting on the human right to social security

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Abstract The United Nations Universal Declaration of Human Rights of 1948 asserts that social security is an inalienable human right. Realizing this human right is often considered, simply, as a matter of political will and of administrative aptitude. In these terms, the progressive realization of the human right to social security may be viewed as the outcome of an appropriately-resourced political and bureaucratic process. Such a perspective, however, is clearly inadequate. Characteristically, bureaucracies are designed to cater to the needs of all, based on common procedures and common deliverables designed for the “typical” case. Yet such approaches often lack the necessary flexibility and resources to make a distinction between individuals, which acknowledge their respective differences and needs. To meet the international commitment to progressively realize universal social security coverage, social security administrations are key actors. However imperative this role may be, if the pursuit of this commitment fails to respect people’s differences this will put at risk the meeting in full of what is envisioned by the human right to social security. To this end, this special issue aims to foster an understanding that the goal of universal coverage must necessarily also respect and respond to the individual needs of each and every person.

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Introduction

This special issue of the *International Social Security Review* considers the international policy priority of social security coverage extension, and does so from the important perspective of the realization of the human right to social security. Our point of departure is the United Nations Universal Declaration of Human Rights of 1948.¹ Article 22 of the Declaration is unequivocal as regards the inalienable human right to social security:

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

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The International Covenant on Economic, Social and Cultural Rights of 1966, which today has 165 State parties, asserts in its Article 9:

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Complementing these and other relevant human rights instruments, the International Labour Organization's (ILO) social security standards concretize the right to social security and provide guidance on the establishment of social security systems (CESCR, 2008), which guarantee at least a minimum level of protection for all, in other words, a social protection floor, as set out in the ILO Recommendation concerning National Floors of Social Protection (No. 202), 2012. As re-affirmed by the United Nations Sustainable Development Goal target 1.3,²

1. For an accessible compendium of all relevant international standards and human rights instruments that pertain to social protection, see ILO (2017a).

2. See <www.sustainabledevelopment.un.org/sdgs>. In addition, social protection figures explicitly or implicitly in SDG target 3.8 on universal health coverage, SDG target 5.4 on gender equality and the recognition of unpaid work, SDG target 8.5 on full and productive employment and decent work, of which social protection is one pillar, and SDG target 10.4 on the contribution of fiscal, wage and social protection policies on the reduction of inequality.

there is international commitment to progressively realize the human right to social security, more specifically: “implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable”. To put this into perspective, currently less than a third of the world’s population has access to comprehensive social security, while the remainder have, at best, incomplete coverage (ILO, 2017b).

Social security programmes must aspire to be transformative (UNRISD, 2016), to be a vector to help overcome structural inequalities in society. To do so, they must first overcome the technical, legal, financial and administrative challenges that leave unresolved the unfulfilled human right to social security. The objective must be to provide social security coverage that is universal, accessible for all and which equitably addresses each person’s needs. In this vein, we must move beyond using terms such as “hard to reach” or “difficult to cover”, which have a tendency to see the coverage problem as lying with the perceived “atypical” characteristics of certain population groups rather than with the design of the social security system and the implementation of programmes. The continuing unqualified use of such terms is incompatible with the voiced commitment to human rights.

To this end, to support the effective design of social security policy and to strengthen the administration of social security programmes that are universal, this special issue aims to foster an understanding that coverage for all must respect and respond in full to the individual needs of each and every person; to truly “leave no one behind”.

The human right to social security: Leaving no one behind

The articles that comprise this set of papers were prepared initially for the fifth Conference of the Regulating for Decent Work Network, held in July 2017 at the International Labour Office in Geneva. This large international event sought to take stock of the rapid and profound transformations in the world of work that technological change and globalization, among other factors, are driving. These processes have led to disparate outcomes. For instance, on the one hand, the trends show increased prosperity and wealth accumulation by elites and, on the other hand, high levels of unemployment and underemployment, increasingly precarious work and growing inequalities. To investigate what the “future of work” might look like, the papers presented at the conference discussed how to advance human rights principles to attain social protection objectives. This special issue places five of these in the spotlight. The first explores ways to increase effective coverage in social assistance programmes. The second instructs on how to ensure that social protection systems are fully inclusive of and

accessible for persons with disabilities. The third seeks to reconcile productivist and rights-based approaches to social security. The fourth emphasizes the importance of gender equality and the rights of women and girls in care systems. And the fifth, based on selected South Asian and Southeast Asian countries, examines the use of a rights-based approach in political mobilization for the expansion and institutionalization of social rights.

Magdalena Sepúlveda Carmona's article, which explores the use of the human rights principle of non-discrimination and equality to ensure inclusion in social assistance programmes, is a clear example of how a human rights-based approach to social protection can help to improve policies and implementation processes in a very concrete way. To combat poverty, social assistance programmes have grown in number and have extended coverage around the globe in recent years. Yet, a vast number of poor and vulnerable people, including children, women, ethnic minorities, rural populations and persons with disabilities, remain uncovered, especially in lower-income countries. Looking at existing programmes through a human-rights lens, the article first identifies obstacles (physical, financial, technological and cultural) that these groups encounter in accessing programmes. It then suggests proactive measures to promote their inclusion, making policies truly universal and effective. Importantly, applying the principle of non-discrimination and equality to social assistance programmes requires governments to enter into dialogue with communities, to spend time and resources to learn about their needs, and to tailor programmes accordingly. This combination of universal rights and the attention to specific circumstances is crucial. Also required is a new awareness in the training and capacity building of administrative staff, to help them to contribute to tackling exclusion errors as well as to address cultural issues of stigma and discrimination.

The second article, by Catalina Devandas Aguilar, highlights the importance of social protection policies for persons with disabilities and describes the various obstacles and structural barriers they face in accessing these services and programmes. Persons with disabilities have to be able to take full advantage of social programmes to help them better cope with various social contingencies, to enhance employability and income security, and to foster autonomy and participation. To do so, the author calls for a change in paradigm from traditional disability-welfare approaches to disability-inclusive social protection systems, in accordance with the United Nations Convention on the Rights of Persons with Disabilities. The article provides guidelines on how to mainstream provisions for persons with disabilities in all social protection policies across the life cycle. This must emanate from a human rights-based approach that will guarantee equal access to social protection programmes and services, as well as offer special provisions (for example, recognizing that there are extra costs

related to disability), which are necessary to permit persons with disabilities to participate in society and live a dignified life. Finally, policy-makers and administrative staff should pay due attention to intersecting inequalities and to the multiple and aggravated forms of discrimination affecting persons with disabilities, who are far from being a homogenous group in terms of their specific needs and capacities.

The third article, by Laura Alfery, Francie Lund and Rachel Moussié, discusses the pros and cons of decoupling social rights from employment. This is a proposal that has gained currency in recent debates about the roles of social assistance and basic income schemes in realizing the right to social protection and income security. These debates are framed often in terms of productivist (or instrumentalist) approaches versus a rights-based approach. Neither of these approaches is perfect. The article acknowledges the shortcomings of the former approach – in particular, the lack of recognition of the productive contributions of informal workers and, subsequently, their exclusion when social protection coverage is based uniquely on entitlements derived from formal employment. Similarly, for the latter approach, when this is conceptualized in terms of citizenship rights only, it risks weakening workplace protection and labour rights. For the authors, however, it is crucial to maintain and strengthen the links between employment and social protection. This allows employers and enterprises to contribute directly to the funding of social protection for their employees (and not only through the tax system, where evasion is often a challenge), to value social services as a productive investment in human capital, and to empower workers in social dialogue and negotiations with local governments. The expansion of non-contributory benefits is necessary in the authors' view to guarantee the right to social security as well as social services in contexts of growing informality and unpaid forms of work. Yet, this expansion should combine with ongoing efforts to strengthen the link between employment and social security protection as the most promising route to sustainable and progressive co-financing and to workers' participation in dynamic growth processes.

Valeria Esquivel's article shows how a human rights-based approach to care policies can lead to better policy design. Part of this is a more inclusive policy process, as it invites broad participation and allows for an active role by social movements, such as women's movements, in shaping policies and legal frameworks. The outcome is the improved institutionalization of the rights of all actors involved. In the case of care policies – ranging from early education and development services, to maternal and parental leaves, long-stay facilities for older persons, or personal assistance for persons with disabilities – the strengthening of rights applies not only to persons with care needs, but also to caregivers, both paid and unpaid, who are mostly women and girls. The article

identifies some key ingredients for the successful reform of care policies: a gender perspective, the acknowledgement of the human rights-based approach at the regional and national level, the political will to expand fiscal space, and finally the novel idea of establishing a coordinated care system that is capable of stretching beyond sectoral approaches.

Gabriele Koehler's article on social policy in South Asia and Southeast Asia describes recent social policy reforms in India, Nepal, Myanmar, Pakistan and Thailand. Reforms in these countries have received global attention because the approach followed has differed markedly from the classical European welfare state model. Given the particular characteristics of labour markets and society in these countries, (citizenship) rights and a focus on poverty reduction and social inclusion have been defining features of reform aims. The article spotlights the importance of political drivers for these reforms, in particular electoral politics and demands made by civil society. The article further underlines for these countries that maintaining acquired rights is far from guaranteed and that policy backsliding can occur. Rights must be defended; otherwise, this may put into question the future quality of services and the reliability and adequacy of transfers.

Moving forward together

In preparing this special issue, it is apparent that the respective agendas of the United Nations Research Institute for Social Development (UNRISD), the International Labour Office (ILO) and the International Social Security Association (ISSA) are actively engaged with the challenge of realizing the human right to social security.

A priority for the ISSA is to analyse the top challenges facing social security systems worldwide (ISSA, 2016). In addition to the perennial topic of realizing universal coverage in a context of constrained resources (i.e. higher cash benefit and health care costs but stagnant or declining revenues from contributions and government budget allocations), another topic of investigation is how social security institutions can satisfy higher public expectations for improved levels of service quality. An important response here is the roll-out of interconnected client-oriented programmes supported by modern ICT that are more adapted to meeting evolving needs across the life course. A key part of the ISSA's agenda is to identify innovative responses to build universal and people-centred provisions, to realize the human right to social security. Of importance, the ISSA's understanding of the human right to social security encompasses also the social protection needs of people in their places of work (see Alfery, Lund and Moussié in this issue), a point held in common with the ILO.

The ILO pursues the extension of social security along two dimensions: ensuring at least a basic level of social security for all through nationally-defined social

protection floors (horizontal dimension), and striving for higher levels of protection for as many people as possible, as soon as possible. This two-dimensional strategy aiming at progressively building comprehensive social protection systems, including social protection floors, is embodied in Recommendation No. 202, and echoed in SDG target 1.3. Universal social protection is a precondition to the realization of human rights, inclusive growth and sustainable development. The strong emphasis on universal protection is rooted in the understanding that sustainable economic and social development needs to address the root causes of poverty and vulnerability, not just its symptoms. It is therefore insufficient to narrowly target social protection only to the poorest and most vulnerable, but a more comprehensive approach is needed to ensure everyone is meaningfully protected in case of need. Recommendation No. 202 sets out an ambitious agenda for such a comprehensive policy approach aiming at the strengthening of social protection systems, including floors, and embedding it within the broader decent work agenda that includes the promotion of decent and productive employment for women and men, rights at work and social dialogue. By addressing the wide range of issues that trap people in poverty, vulnerability, precarious or informal employment, and hold back sustainable development, the ILO supports its member States in achieving a meaningful transformation of the lives of people, and ensuring that no one is left behind.

For UNRISD, grounding social policies firmly in human rights is a precondition to achieve the profound transformations the international community has committed to in the 2030 Agenda for Sustainable Development. While still not sufficiently connected in policy and academic circles, social protection and human rights are inseparable and human rights principles and standards should guide all phases of policy-making, programming and implementation processes.³ The clear guidelines provided by human rights law for policy-makers and administrations – as demonstrated in the cases of applying the principle of non-discrimination and equality to social protection policies and implementing disability-inclusive social protection systems – can help to improve social protection systems, reduce poverty and inequality, empower disadvantaged and marginalized groups, and promote gender equality. They also serve as a political and discursive tool for civil society to claim their rights and hold governments and international agencies to account if their policies and approaches are contradictory to progressively fulfilling human rights. An

3. This is the objective of the Social Protection and Human Rights website, a resource platform initially developed by UNRISD under the leadership of Magdalena Sepúlveda Carmona, and now managed in partnership with the ILO and nine other UN agencies, for development practitioners, policy-makers and human rights advocates. It is designed to provide expert legal and development resources on how to better align social protection and human rights. See <socialprotection-humanrights.org>.

important unanswered question is how to forge the necessary solidaristic, inclusive and rights-based social contracts that “leave no one behind”. A challenge is that in a global context marked by conflicts, crises, insecurity and inequality, the idea of universal rights involving the equal sharing of the costs and benefits of globalization has been put under a severe stress test.

The articles that comprise this special issue offer a timely reminder of the progress made and the work that still needs to be undertaken, as well as some of the risks of possible backsliding with regard to previously acclaimed policy advances. By definition, universal social security coverage should be transformative. This is the goal, but it is also the challenge: to realize the human right to social security.

Bibliography

- CESCR.** 2008. *General comment No. 19* (Committee on Economic, Social and Cultural Rights, 39th Session, 5–23 November) (E/C.12/GC/19). New York, NY, United Nations – Committee on Economic, Social and Cultural Rights.
- ILO.** 2017a. *Building social protection systems: International standards and human rights instruments*. Geneva, International Labour Office.
- ILO.** 2017b. *World social protection report 2017–19: Universal social protection to achieve the Sustainable Development Goals*. Geneva, International Labour Office.
- ISSA.** 2016. *Ten global challenges for social security*. Geneva, International Social Security Association.
- UNRISD.** 2016. *Policy innovations for transformative change. Implementing the 2030 Agenda for Sustainable Development*. Geneva, United Nations Research Institute for Social Development.