

The need to include a rights-based approach to Social Protection in the Post 2015 Development Agenda

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The Millennium Development Goals (MDGs) have played an important role in placing key issues on the development agenda that might have otherwise been neglected. Thanks to the MDGs, governments and international actors have acted more decisively and with improved unity on poverty, hunger and other scourges on human development. Importantly, it has also resulted in the generation and collection of more targeted data on MDG issues, which have been used to convey powerful messages, to influence policies and shape national or international measures.

Experience shows that issues left out of the universal agreed agenda are not effectively monitored and reported on, and easily become blind spots when priorities are set, policies defined or budgets allocated. This is one key reason why the overall post-2015 development framework must explicitly aim to focus on and target those who are currently invisible: the poorest of the poor. Current limitations in measurement or data collection should not deter the international community from committing to a robust set of goals, targets and indicators focused on this segment of the population.

Many actors have recognised that one of the weaknesses of the MDG framework was its failure to fully reflect the promise in the Millennium Declaration where countries pledged to strive for the protection and promotion of all human rights. Despite the importance of human rights for improving the lives of people living in poverty, they are not adequately reflected in the MDGs. In addition, the MDGs have been seen to neglect to the most extremely disadvantaged members of societies. Instead, in many instances governments have concentrated their interventions on those most easy to reach, rather than the poorest of the poor. This is also visible in the measures that governments have taken to react to the food price crises of 2008 and 2010: typically, investments have been made in agriculture for the benefit of relatively well-connected farmers, whose productivity could easily be increased with some support from the State, but the farmers living in remote areas or working on more marginal soils as well as women farmers have less benefited.

Thus, in the ongoing discussion about the shape and content of the post-2015 development agenda, the United Nations Special Rapporteur on Extreme Poverty and Human Rights and the Special Rapporteur on the Right to Food add their voice to those who are calling for the inclusion of social protection as a core priority. Social protection can play a fundamental role in addressing the needs of people living in extreme

poverty, tackling inequality and realizing human rights – all indisputable and necessary overarching goals of any future development agenda.

- **The benefits of social protection**

Social protection refers to policies and programmes that aim to enable people to respond to various contingencies and manage levels of risk or deprivation that are deemed unacceptable by society. These schemes aim to offset the absence or substantial reduction of income from work, provide assistance for families with children, provide people with health care, housing, water and sanitation, education or social work. Particularly relevant for addressing the needs of those living in extreme poverty are measures such as cash transfer schemes, public work programmes, school stipends, social pensions, food vouchers and food transfers, school feeding programs, and user fee exemptions for health care, education or subsidised services.

While the impact of social protection programmes varies according to their objectives, design and level of institutionalization, as well as the level of development of the countries where they are implemented, there is strong evidence that social protection systems can significantly contribute to reducing the prevalence and severity of poverty¹, improving social cohesion, reducing inequality, protecting families from the impacts of increasingly volatile food prices, and creating sustainable and equitable societies. By transferring resources to those living in extreme poverty and allowing beneficiaries to generate income, protect their assets and accumulate human capital. In OECD countries, for example, it is estimated that levels of poverty and inequality are approximately half of those that might be expected in the absence of social protection.²

- **Social protection as a tool to achieve the MDGS**

Evidence shows that social protection measures facilitate the achievement of all MDGs. For example, social protection contributes to the achievement of **MDG1** by transferring resources to those living in extreme poverty, enabling the beneficiaries to generate income, protect their assets and accumulate human capital. By transferring resources to those in need, social protection raises consumption, reduces a household's extreme vulnerabilities and avoids further deterioration in living conditions. The World Bank estimates that social protection interventions could reduce the total poverty head-count rate by 5 to 10 per cent, thus providing a significant tool to meet MDG target 1 of halving income poverty by 2015. Social protection programmes also contribute to meeting target 2, of halving the proportion of persons suffering from hunger by 2010. For example, social protection schemes in Ethiopia, India, Bangladesh and Zambia have all improved nutritional levels, and there

¹ For a comprehensive study on the impact of cash transfer programmes, see Barrientos, A., and Niño-Zarazua M., *The effects of non-contributory social transfers in developing countries: A Compendium*, (Brooks World Poverty Institute, University of Manchester, 2010).

² ILO, *Social Protection Floor for a Fair and Inclusive Globalization: Report of the Advisory Group chaired by Michelle Bachelet*, 2011, p. xxiv.

is considerable evidence of a direct link between income supplementation and improved nutritional outcomes among beneficiary households.

Social protection schemes can also facilitate progress towards the achievement of the other MDGs. With respect to **MDG 2 (achieving universal primary education)**, there is clear evidence that there is a close link between family income and the education of children. Income transfers provide households with the income security to absorb the costs associated with schooling and to maintain investments in a child's education even when faced with economic shocks.

Acknowledging the positive impact of social protection systems for the compliance of the MDGs, during the 2010 Summit government officials and donor representatives renewed their commitment towards the MDGs and set out an Action agenda for the next 5 years. In this Action Agenda for Achieving the Millennium Development Goals (Keeping the promise: united to achieve the Millennium Development Goals, A/Res/65/1, 19 October 2010) they explicitly recognised that the implementation of social protection systems is a critical means of protecting gains towards the achievement of the MDGs and making further progress towards addressing inequality and social exclusion.

Given the acknowledged importance of social protection in achieving the MDGs, all stakeholders should ensure that social protection is given the adequate recognition and prioritisation in the new development paradigm, currently under discussion, that replaces the MDGs.

Meanwhile, in the remaining two years until the MDG deadline, governments must take additional measures to ensure compliance with their MDG commitments while prioritizing the most vulnerable and marginalized in their populations and complying with human rights norms and principles. A human rights-based social protection programme provides a way for them to take meaningful action towards these goals.

- **Social protection systems and human rights obligations**

There is a strong and symbiotic relationship between human rights and social protection. Human rights create legal obligations to implement social protection systems and establish standards for the design, implementation and evaluation of such systems.³ In turn, by transferring resources to those living in extreme poverty and allowing beneficiaries to generate income, protect their assets and accumulate human capital, social protection systems have the potential to contribute to the realization of a number of economic, social and cultural rights, such as the right to an adequate

³ Under human rights law, States are legally obligated to progressively ensure the right to social security to all individuals within their territories, providing specific protection for disadvantaged and marginalised individuals and groups as established in Article 9 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The *right to social security* is articulated most prominently in General Comment No. 19 on the right to social security, of the Committee on Economic, Social and Cultural Rights (CESCR) –the supervisory body of the Covenant- which spells out the key features of this right and the content of States' obligations.

standard of living – including the right to adequate food, clothing, and housing⁴ – as well as the rights to education⁵ and health.⁶ At the same time, social protection systems are an important tool that can assist States in complying with their other human rights obligations towards people living in poverty.

However, the success or failure of social protection systems in realising human rights rests heavily on whether such systems are established and operated according to the standards that human rights require and the obligations they impose. If social protection programmes are not grounded in human rights principles, they may reinforce inequalities, particularly gender based inequalities and threaten the rights of the beneficiaries.⁷ For instance, even well-intended social protection programs that seek to take into account the specific time poverty and mobility constraints that women face due to the chores they assume in the household, may reinforce gender stereotypes and traditional division of roles, unless such programs include mechanisms for a redistribution of tasks and for the empowerment of women both in the public and in the private sphere.⁸

- **Social protection in time of crises**

Social protection systems play an exceptionally important role in protecting the enjoyment of several economic, social and cultural rights of the poorest and most vulnerable during times of economic shock and other forms of crisis. Therefore, it is of concern that many States are now cutting funding to social protection systems as part of their responses to recession and financial crisis.⁹ These proposed reductions go against the repeated political commitments made by States to provide and promote comprehensive social protection systems as key measures for recovery.¹⁰

As part of the efforts to tighten spending, some countries are further implementing austerity measures; curtailing already limited social protection schemes by reducing the level of benefits or by tightening eligibility requirements. This is despite the reality that those living in poverty continue to suffer from the cumulative effects of the crises and should be protected as a matter of priority.

Strengthening social protection systems now will ensure greater resilience against future crises, while supporting the most vulnerable will help to prevent the transmission of the effects of the crises to future generations. In order to avoid causing permanent and long-lasting detriment to those living in poverty, States should preserve

⁴ ICESCR, art. 11; UDHR, art. 25.

⁵ ICESCR, arts. 13 and 14; UDHR, art. 26.

⁶ ICESCR, art. 12; UDHR, art. 25.

⁷ See “Human Rights Approach to Social Protection”, Magdalena Sepúlveda and Carly Nyst, Ministry for Foreign Affairs of Finland, 2012.

⁸ See the Report of the Special Rapporteur on the right to food to the 22nd session of the Human Rights Council (A/HRC/22/50).

⁹ Katerina Kyrili and Matthew Martin, “The Impact of the Global Economic Crisis on the Budgets of Low-Income Countries”, Oxfam International and DFID, 2010, p.18.

¹⁰ See for example General Assembly resolution 65/1, paras. 23(f), 51 and 70(g); the G20 Seoul Summit Leaders’ Declaration, November 2010, para. 5; and the G20 Seoul Summit document, para. 51(f).

their investments in social protection and take steps to increase investments where possible.

The recovery from the crises presents an opportunity for States to ensure a social protection floor for everyone under their jurisdiction, in line with the International Labour Organisation's Recommendation No. 202 (June 2012). Social security is not dispensed with or diluted during times of crisis or recovery; indeed, it is more acute and pressing than ever. In order to ensure that social protection systems are in line with human rights standards, States should establish a solid legal and institutional framework for social protection measures at the national level.

- **The momentum of social protection**

Social protection has gained predominance and political support in the development and poverty reduction discourse over recent years in an almost unprecedented manner. Widespread political support for the idea of non-contributory minimum social protection crystallised in 2009, when the heads of the United Nations (UN) agencies launched the *Social Protection Floor Initiative* as one of the nine UN joint initiatives to cope with the global economic and financial crises.

At the UN Millennium Summit in September 2010, States acknowledged the value of social protection in consolidating and achieving further progress towards the Millennium Development Goals (MDGs).¹¹ The next year, in a landmark move, the G20 States expressly declared their support for social protection in the 2011 Cannes Summit Final Declaration.¹² On 14 June 2012, the International Labour Conference unanimously adopted Recommendation No. 202 on national social protection floors: 452 votes were in favour, none against, and only one abstention vote was cast.

Therefore, the current political momentum around social protection provides a unique opportunity to reinvigorate the development agenda and ensure that social protection is expressly included in the post-2015 development agenda.

- **Keeping the promise**

Despite the numerous commitments that the States have made in regard to the establishment and strengthening of social protection systems, progress has been limited. Indeed, as noted above, the global financial and economic crises have even caused some backsliding in terms of the adequacy and accessibility of social protection.

Now, as the post-2015 agenda is being formulated, is the time for States to live up to their promises in terms of tackling poverty and inequality through social protection.

¹¹ United Nations General Assembly Resolution 65/1, "Keeping the Promise: United to achieve the Millennium Development Goals," 19 October 2010, para 51.

¹² G20, "Cannes Summit Final Declaration; Building our Common Future: Renewed Collective Action for the Benefit of All," 4 November 2011, para 4.

Along with the ILO Recommendation No. 202, the Social Protection Floor Initiative (SPF-I) launched in 2009 by the United Nations Chief Executives Board could provide an important platform for the international community to assist less developed countries in implementing social protection systems. The SPF-I could be understood as the minimum set of policies upon which States can build higher standards of protection once national budget capacities increase.

- **The Global Fund for Social Protection**

A Global Fund for Social Protection, such as that recently proposed by the Special Rapporteur on extreme poverty and human rights and the Special Rapporteur on the right to food, could provide another important mechanism for widening and deepening coverage of social protection worldwide. Such a fund would allow the least-developed countries to draw on international support to meet the basic costs of putting social protection in place, consistent with paragraph 12 of ILO Recommendation No. 202, while the fund could also be called upon to underwrite these schemes against the risks of excess demand triggered by major shocks.¹³

In order to close the breach between rhetoric and implementation on social protection, global solidarity is necessary; the Global Fund for Social Protection aims to make that solidarity real and effective.

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<http://www.ohchr.org/EN/Issues/Poverty/Pages/SRExtremePovertyIndex.aspx> and www.srfood.org or www2.ohchr.org/english/issues/food/index.htm

¹³ See http://www.ohchr.org/Documents/Issues/Food/20121009_GFSP_en.pdf