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Statement on social protection floors: an essential element of the right to social security and of the sustainable development goals

Background

1. The protection of economic, social and cultural rights has been gaining increased importance at the national and international levels, partly in response to the many economic and social changes taking place in various regions of the world. In many developed countries, this concern arises from the impact of economic recession in recent years. On the other hand, many developing countries have experienced relatively high growth rates giving them access to the resources needed to initiate and progressively implement social protection programmes. Against this backdrop, the establishment of nationally defined Social Protection Floors (SPF)¹ as a basic set of essential social guarantees in cash and in kind is considered “pivotal in promoting basic income security and access to health care, and in facilitating the enjoyment of several economic and social rights by the most marginalized groups of the population”.²

2. The Committee on Economic, Social and Cultural Rights (Committee), in some of its Concluding Observations to States parties on the realization of the right to social security, has recommended the establishment of a SPF, guaranteeing legal entitlements to individuals, as an initial element to be progressively developed into a universal and comprehensive social security system in full compliance with the requirements of Article 9 of the Covenant. In the Letter from its Chairperson, in May 2012, the Committee has also called the attention of States Parties to the fact that any proposed policy change or adjustment to deal with the negative impact of the austerity measures on the enjoyment of Covenant rights “must identify the minimum core content of rights or a social protection floor, as developed by the International Labour Organization, and ensure the protection of this core content at all times”.

¹ ILO Recommendation no. 202 (2012)

² Report of the Secretary-General on the question of the realization in all countries of economic, social and cultural rights, A/HRC/28/35

3. Furthermore, among the targets proposed for the realization of Goal 1 of the post-2015 Sustainable Development Goals (SDGs), is the implementation of nationally appropriate social protection systems and measures for all, including floors.

Objective

4. Following up on its call on States to explicitly align the post-2015 development goals, as well as indicators and benchmarks to meet them, with human rights principles and standards, including freedom from discrimination, equality between men and women, participation and inclusion, transparency and accountability³, in the present Statement the Committee reiterates the mutually reinforcing nature of its General Comment (GC) 19 on the right to social security and ILO Recommendation 202 on SPF.

5. In its definition of the right to social security, GC 19 refers to three basic elements:

(a) the concept of social security as a human right and an economic and social necessity for development and progress;

(b) the reaffirmation of the redistributive character of social security and its role in promoting social inclusion;

(c) the overall and primary responsibility of the State for the realization of the right to social security.

6. These elements are integral to the nationally defined set of basic social security guarantees of SPF aimed at ensuring human dignity and preventing or alleviating poverty, vulnerability and social exclusion. In addition, the SPF element of ensuring the availability, continuity and access to public services such as water, sanitation, health, education and family-focused social work is derived from several of the rights enshrined in the Covenant.

Core obligations

7. SPF call for a set of basic social security guarantees that ensure universal access to essential health services and basic income security. These guarantees can be materialised through transfers in cash and in kind, such as child benefits, income support benefits combined with employment guarantees for the working-age poor, tax-financed universal pensions for older persons, and benefits for persons with disabilities and persons who have lost the main breadwinner in the family.

8. These guarantees constitute, in the formulation of GC 19, the core obligation of States, to ensure access to social security by providing, together with adequate access to essential services, a minimum level of benefits to all individuals and families to enable them to acquire at least essential health care, basic shelter and housing, water and sanitation, foodstuffs, and the most basic forms of education. The reference to “all” encapsulates the human rights principle of universality and that every individual matters. Along a similar path, national social protection floors aim at guaranteeing income security and access to basic services throughout the life cycle, with particular attention to the most

³ Letter by the Chairperson of the Committee on the post-2015 development agenda, 30 November 2012

vulnerable and disadvantaged, including children, older persons, persons with disabilities, informal workers and non-nationals.⁴

Women

9. Women are often not entitled to social security benefits and pensions, either because they are in the informal economy, or they experience greater difficulties in complying with eligibility criteria, or simply because they are engaged in unpaid work that is not recognized as an economic contribution to their communities and societies. An additional obstacle is that women are often considered primarily as being dependent on a male partner and not as individual rights holders. In this context, the Committee highlights that several of the basic guarantees included in the national social protection floors, such as maternal health, child care and maternity benefits and pensions, contribute towards establishing universal benefits. These benefits decrease gender inequalities also by alleviating the burden imposed on women who continue to shoulder a disproportionate part of household responsibilities.

Progressive realisation

10. While drawing the attention to the concept of SPF as a core obligation without which economic and social rights, including the right to social security, are deprived of any meaningful content, the Committee reminds States parties to the Covenant of their obligation of progressive realisation of the right to social security as indicated in GC 19. This is further reflected in the strategies included in ILO Recommendation 202 for the extension of social security that should progressively ensure higher levels of protection to as many people as possible. In fact, when used as a floor and not a ceiling and provided they are established and implemented according to human rights standards and principles, SPF have great potential in facilitating the enjoyment of several economic and social rights.

11. The Committee welcomes the many examples of how Social Protection Floors are being gradually established in countries at different levels of economic and social development, through a wide range of programmes and measures as illustrated by the ILO World Social Protection Report 2014-2015.

12. In some lower income countries, still at the stage of narrowly targeted temporary safety nets with very low benefit levels, there is an on-going discussion on expanding social protection transfers and building on nationally-defined SPF as part of comprehensive social protection systems. Presently, more than 20 developing countries have achieved or nearly achieved universal pension coverage with a few others currently piloting non-contributory old-age social pensions. Many middle-income countries are consistently expanding their social protection systems, thereby contributing to domestic demand-led growth strategies that in turn boost development.

13. It is important to state that there are options available for governments to expand fiscal space for social protection even in the poorest countries, such as re-allocation of public expenditure with a renewed focus on social spending; increase of tax revenues; reduction of debt or debt servicing; adoption of a more conducive macroeconomic framework; fighting illicit financial flows and increasing social security revenues. Equally important is the evidence demonstrating that, in line with their Covenant obligations, countries cannot afford not to allocate sufficient resources to social protection given its

⁴ Report of the Secretary-General, A/HRC/28/35, paras 37 to 53

recognized contribution to the realization of human rights and economic and social development.

14. The Committee recognizes the importance of the guiding principles established in Recommendation no. 202 and highlights that the development of SPF should be based on a national consensus that requires full participation of all relevant stakeholders in the design, implementation, monitoring and evaluation of the SPF components. Regional and international organizations, including the international financial institutions, also have a role to play in promoting the conditions necessary for the sound implementation of the SPF.

15. The Committee reiterates that adequate resource allocation at national level and through international assistance and cooperation is required to comply with the obligation to progressively realize the rights enshrined in the Covenant. The proposal for the creation of a Global Fund for Social Protection,⁵ included among the key recommendations listed by the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda, is an important step in the right direction and could support initial investment in sustainable public social protection systems.

16. The Committee reiterates the statement of the Special Rapporteur on Extreme Poverty and Human Rights, that “the adoption of social protection floors and closely related initiatives taken within an overall human rights-based framework, should become a central goal for all actors within the human rights and development contexts”⁶.

17. The Committee, finally, encourages all States to strengthen the human rights principles and standards in the formulation of the SPF, particularly non-discrimination, participation, accountability, and explicit recognition of the right to social security guaranteeing legal entitlements to beneficiaries, thereby redefined as rights-holders. It also encourages States to include SPF in the SDGs as an important tool to combat poverty and discrimination and ensure sustainable development post 2015, with a view to achieving the full realisation of the rights enshrined in the Covenant

⁵ Special Rapporteurs on the Right to Food, Olivier de Schutter, and on Extreme Poverty and Human Rights, Magdalena Sepulveda “Underwriting the poor: a global fund for social protection”, briefing note October 2012

⁶ Report of the Special Rapporteur on Extreme Poverty and Human Rights Philip Alston, on the implementation of the right to social protection through the adoption of social protection floors, A/69/297, August 2014