

Anchoring Social Protection in Law

Achieve the Sustainable Development Goals on Universal Social Protection through South-South and Triangular Cooperation

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Social security is a human right, laid down in major international instruments

With the adoption of the Universal Declaration of Human Rights in 1948 and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1966, the obligation of States to respect, protect and fulfil everyone's right to social security is internationally recognized.



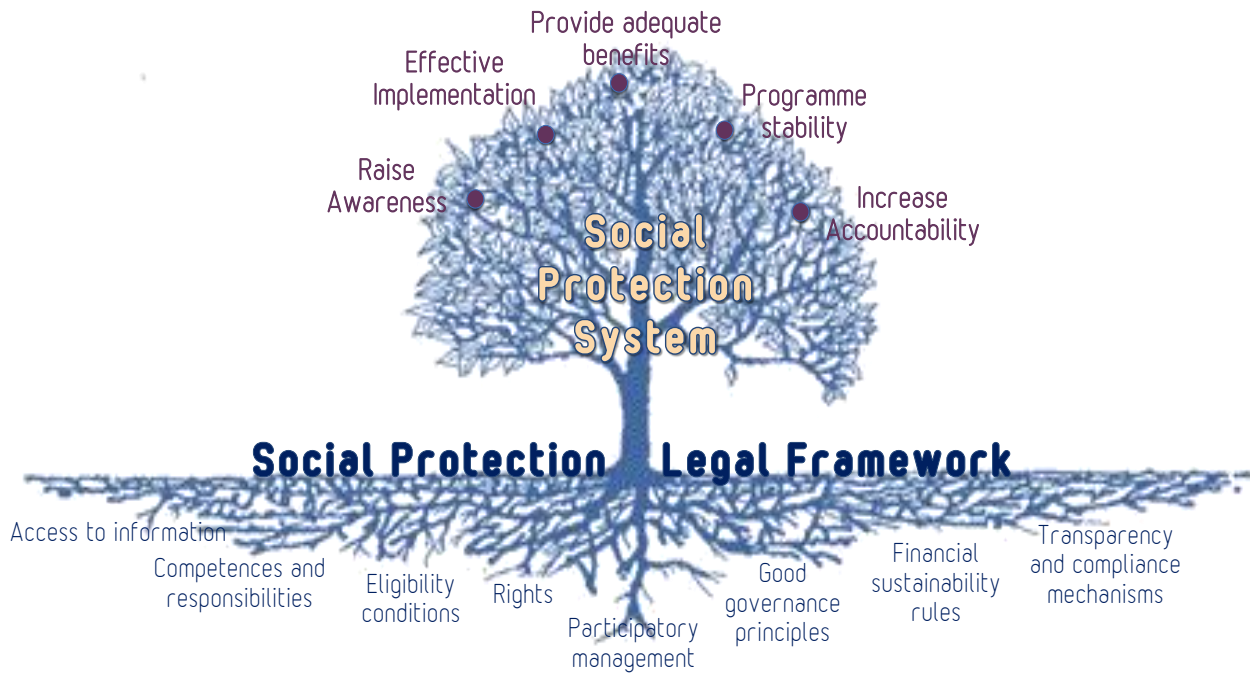
Anchoring Social Protection Systems in law has two main advantages

1. Legal frameworks help to respect, protect and fulfil the right to social protection.
2. An adequate social protection legal framework creates a solid foundation that will help raise awareness of beneficiaries, provide adequate benefits, increase accountability, contribute to social protection programmes' stability and lead to effective implementation.



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With an aim to concretize all citizens' right to social protection, Viet Nam has gradually established the minimum floor in social protection policies and improved the legal framework for social protection.



What should the social protection legal framework include?

An adequate social protection legal framework is one that, at a minimum, includes:

- precise entitlements and eligibility requirements for social protection programmes;
- definitions of the various roles and responsibilities of entities and actors involved in implementing the programmes at different levels of government;
- articulation of the long-term financial requirements, ensuring adequacy and predictability of benefits;
- good governance principles;
- enforcement and compliance mechanisms, including the right to access complaints and appeals systems;
- mechanisms to ensure transparency and access to information about available programmes; and
- participation channels for beneficiaries.

International conventions and recommendations to anchor social protection in law

The Social Security (Minimum Standards) Convention, 1952 (No. 102), and the Social Protection Floors Recommendation, 2012 (No. 202), and other social security standards are tools that can be used to draft and implement social protection laws. By ratifying ILO Social Security Standards and, in particular, ILO's Convention No. 102, States can comply with international obligations and provide a normative framework for the development and continuous evolution of national social security systems.

In addition to its Social Security Standards, the ILO provides different forms of legal advisory assistance to countries. A global guide to support the drafting of social security laws and a toolkit to better assist States that are looking to ratify Social Security Conventions will soon be available.

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