

REPORTING ON SPF IMPLEMENTATION TO UN ORGANIZATIONS OPPORTUNITIES FOR NATIONAL PLATFORMS

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During our last meeting of the core group of the Global Coalition for Social Protection Floors (GCSPF) in Nairobi (15-17 January 2018) a number of national SPF platforms asked for more detailed information on how they can report on SPF implementation to international organizations¹. There are three main international organizations or fora to which such reporting can be addressed: (i) the UN Human Rights Council (HRC) in Geneva, and in particular through the Committee for Economic, Social and Cultural Rights (CESCR). (ii) the High-Level Political Forum (HLPF) in New York, which oversees the implementation of the 2030 agenda and the Sustainable Development Goals (SDGs); and (iii) the ILO in Geneva, which in 2012 adopted Recommendation No.202 on National Social Protection Floors.

National platforms are most effective when various civil society organizations and social organizations, such as trade unions, work closely together. They would also benefit from the support of other actors, such as academics, journalists, UN agencies such as UNDP, ILO, WHO, and UNICEF, as well as National Human Rights Institutions (NHRIs).

The three reporting procedures: Opportunities and limitations

The CESCR is probably best equipped for civil society to report on SPF implementation. The CESCR monitors the implementation of the International Covenant of Economic, Social and Cultural Rights (ICESCR), which explicitly recognizes the right to social security and is ratified by almost all countries in the world. A number of other committees monitor the implementation of the right to social security in core human rights treaties covering specific groups of the population, such as the Convention of the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD). The Universal Periodic Review (UPR) is a procedure through which the HRC monitors the implementation of all human rights instruments, including civil and political rights. This is principally a State-driven process, on which civil society can have a – limited – impact. Its results can sometimes reach the headlines in the national media.

The advantage of reporting to the HLPF is that it happens every year, and that a number of indicators have been developed (amongst others by the ILO) that permits regular monitoring. The advantage is also that the monitoring results are generally well published. However, it is basically a state-controlled procedure on which civil society can only have a limited impact.

ILO Recommendations – unlike ILO Conventions – are not regularly monitored by the ILO Committee of Experts. However, at irregular (10 or more years) intervals the ILO may decide to undertake a General Survey on a particular topic. In June 2019 the International Labour Conference will consider the General Survey that will focus on ILO Recommendation No.202, with questions also related to other ILO social security instruments. Workers' organizations – being part of ILO's tri-partite constituency - have a very significant impact on these surveys.

¹ In this note we shall only consider reporting procedures in the context of the United Nations. There may also be reporting procedures at the regional level, such as in the context of the African Union and the European Union.

Reporting on the four social security guarantees

The aim of the reporting is to show whether a particular government is providing the four social security guarantees that have been formulated in ILO Recommendation 202, i.e.

- Essential health care, including maternity care, that meets the criteria of availability, accessibility, acceptability and quality;
- Basic income security for children and providing access to nutrition, education, care and any other necessary goods and services;
- Basic income security for persons in active age who are unable to earn sufficient income, in particular in cases of sickness, unemployment, maternity and disability; and
- Basic income security for older persons.

What is considered basic or essential in a particular country will depend on its priorities, as well as on its level of economic and social development. In practice that level may be linked to a national poverty line that may have been determined (and updated) in the context of national dialogues.

We – as a global coalition - consider these guarantees as human rights obligations for which government are accountable. The fulfilment of these obligations can be measured by a number of indicators, which were developed by the ILO and other organizations, and which are reviewed in Annex 1. The reporting on SPF implementation will have to cover at least the following five main aspects for which concrete recommendations can be formulated:

- (i) Has the government fixed the basic level for the four guarantees? If not, is there a plan with time horizon to fix these levels? Are there procedures to regularly review and update (index) these levels? Have social benefits been maintained or increased in real terms?
- (ii) Has the government put (or is going to do so?) aside (and will continue to do so in the future) sufficient administrative and financial resources to implement the four guarantees? If not, what do you consider to be the obstacles and pressures from inside and outside the country? What have been the trends in social security expenditure?
- (iii) Has the government put in place a legal structure that permits right-holders to claim access to the four guarantees, and that allows individuals to easily recognize and understand (a) the eligibility criteria, (b) the specific benefits they will receive, and (c) the existence and nature of complaints and redress mechanisms (which should also be free of charge)? How do these mechanisms work in practice?
- (iv) Has the government put in place a system to regularly monitor and evaluate the implementation of the social security guarantees?
- (v) Has the government made provisions for consultation with relevant civil society organizations in the four areas listed above? Experience has shown that systems are more cost-effective when developed with those who are most concerned.²

² See for example the Report on participation of people living in poverty (A/HRC/23/36), submitted by the Special Rapporteur on extreme poverty and human rights (March, 2013)

Reporting to the Committee for Economic, Social and Cultural Rights (CESCR)

The CESCR reviews once in five years the report of each country that has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR). ICESCR article 9 recognizes “the right of everyone to social security, including social insurance”. Some countries have also signed the so-called optional protocol, which allows people or groups of people from the ratifying country to submit communications to the CESCR, when they claim to be victims of a violation of any of the economic, social and cultural rights. Moreover, in 2015 the CESCR³ recognized the four social security guarantees, as formulated in ILO Recommendation No.202, as part of the core obligations of States to realize the right to social security.

The CESCR has put in place an extensive procedure for civil society participation in the consideration of State party reports⁴. This procedure takes about a year, and NGOs can submit shadow or parallel reports, including information and recommendations, to (i) the pre-sessional working group, (ii) the State-party report session, and (iii) participate in the follow-up to the Committee conclusions. At each of these stages civil society representatives will be able to interact with government representatives and with the 4-5 CESCR experts who write the CESCR conclusions. As mentioned earlier, the impact of NGO participation can be increased through closer contact with the government, links with other NGOs, trade unions and NHRIs, as well as contact with academics, the media and possibly political parties.

Since the ICESCR includes a vast range of rights, such as health, education and housing, coalition members are advised to team up with other civil society organizations, each of whom may wish to focus on particular rights. They can then present a joint report that provides recommendations on the implementation of a variety of rights. A section on recommendations on how to improve the implementation of the four social security guarantees would take between 5-8 pages. Writing a joint report would also have the advantage of co-financing – if possible – the travel and lodging expenses for a civil society representative.

For the time being, the CESCR has only planned their country report activities for 2018. In September 2018 the Committee discussed the country report on South Africa. Two of our coalition members, the Dullah Omar Institute and Studies in Poverty and Inequality Institute, contributed to a civil society report that provided recommendations on how to improve the realization of the right to social security. The programme for 2019 is to be released shortly, and can be found on the following website:

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx?Type=Session&Lang=En.

Reporting to the High-Level Political Forum (HLPF)

Countries are invited to voluntarily submit SDG implementation reports to the HLPF, which normally convenes in New York for about 10 days during the second and third week of July. Each year about one-third of the SDGs are selected for reporting, and SDG1 was on the agenda in July 2017, and may be on the agenda again in July 2020.

Civil society and other stakeholders are allowed to intervene in official HLPF meetings in New York, as well as to submit documents and present written and oral contributions.

³ Statement on social protection floors: an essential element of the right to social security and of the sustainable development goals (ECOSOC, 2015, document E/C.12/54/3)

⁴ ECOSOC, 2000, document E/C.12/2000/6.

However, in order to increase impact, it is preferable that civil society organization try to already take up contact with their governments, when they are preparing their contributions to the HLPF, and see whether they can influence that submission. The time allotted to the discussion of nationally submitted reports in New York is short, often not more than 15 minutes. However, the impact on media and socio-economic actors should be sought in the countries themselves – during the whole submission process, i.e. from the drafting of the government and stakeholders' reports to the discussion during the HLPF in New York.

Reporting to the ILO

As mentioned earlier, the 2019 International Labour Conference will consider the General Survey that will focus on ILO Recommendation No.202, with questions also related to other ILO social security instruments. In 2016 the ILO sent an elaborate questionnaire (see http://www.ilo.org/global/standards/WCMS_548284/lang--en/index.htm) to its tri-partite constituents (government, workers' and employers' organizations). Civil society has not been consulted in this procedure, but the questionnaire can be a useful model for reporting to other international organizations.

The questionnaire for the General Survey distinguishes four major groups of questions that can also be relevant for reporting to CESCR and HLPF.

- (i) The conceptual framework of the Recommendation, including the human rights approach, the four guarantees within the context of an integrated design of the social protection system, and the right to social security as an economic and social necessity;
- (ii) The institutional and legal framework and the social responsibility of the State;
- (iii) The four basic social security guarantees that constitute the social protection floor (basic income security and access to essential health care);
- (iv) Conclusions.

Conclusions

All three reporting procedures can significantly improve the implementation of SPFs at the national level, and they can feed into each other. The reporting will have greater impact, if civil society, trade unions and other national actors work together, and when they are prepared to invest in a procedure that can take at least one year. Participation in a national dialogue would also be a strong contributory factor, in particular if the government is involved in that process, and wants it to succeed. The impact could also be increased if support is obtained from academics, UN agencies, the media and possibly political parties.

CESCR reporting may provide new opportunities for the improved implementation and monitoring of SPF programmes. The SDG reviews in the context of the HLPF are very concrete, but they will have greater long-term impact if they can bring about – or are based on – national dialogues. The outcomes of the General Survey can directly influence ILO policies, but opportunities for direct CSO input is weaker and reporting is not regular.

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Annex 1: SPFs, SDGs and Human Rights Indicators

For the reporting to international organizations, it would make sense to follow the indicators that the ILO and WHO have formulated on social protection floors, which are included in SDG targets 1.3 and 3.8.

SDG target	Indicators
1.3 Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable	1.3.1 Percentage of population covered by social protection floors/systems, disaggregated by sex, composed by the following: <ul style="list-style-type: none"> • % of older persons receiving a pension; • % of households with children receiving child support; • % of working-age persons without jobs receiving support; • % of persons with disabilities receiving benefits; • % of women receiving maternity benefits at childbirth; • % of workers covered against occupational injury; • % of the working age population covered for pensions; • % of poor and vulnerable people receiving benefits
3.8 Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all	3.8.1 Coverage of essential health services (defined as the average coverage of essential services based on tracer interventions that include reproductive, maternal, newborn and child health, infectious diseases, non-communicable diseases and service capacity and access, among the general and the most disadvantaged population) 3.8.2 Number of people covered by health insurance or a public health system per 1,000 population

The ILO statistical database on social protection floors (SDG target 1.3) can be found at <http://www.social-protection.org/gimi/gess/AggregateIndicator.action>. The WHO indicators for SDG3.8 can be found in WHO, World Health Statistics: 2018, Annex B, Part 2, pp 68-74. The national data should obviously be used when they are more detailed and available over longer time periods than those provided by the ILO and the WHO.

The Office of the High Commissioner for Human Rights⁵ (OHCHR) has defined three types of human rights indicators. First of all, the so-called outcome indicators measure the enjoyment of human rights, such as the right to social security, and these are represented by the SDG indicators mentioned above. Secondly, the input and process indicators measure the efforts and resources of the duty bearer to achieve the enjoyment of human rights. These refer to the administrative and financial resources that the government has deployed to achieve the four social security guarantees. Statistics on government expenditure can also be found in the above-

⁵ Office of the High Commissioner of Human Rights (OHCHR): “Human Rights Indicators. A Guide to Measurement and Implementation”, (United Nations, 2012).

mentioned ILO and WHO publications, but more detailed information may be available at the national level. And finally, the structural indicators measure the commitment of the State towards realizing human rights, such as through ratification of international instruments⁶ and inclusion in national legislation, as well as through the adoption of national policies and corresponding time frame.

⁶ The Danish Institute for Human Rights has elaborated a guide that provides the link between the SDG targets (including 1.3) and the States' obligations (and in some cases, voluntary commitments) under international and regional human rights, labour and environmental instruments (<http://sdg.humanrights.dk/en/node/10>).