**Global Coalition for Social Protection Floors**

**Strategy on social security standards
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[Concept note, Odile Frank, 10 November 2019]**

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At present, the right to social security is upheld by three principal standards; the Universal Declaration of Human Rights (1943), the International Covenant on Economic, Social and Cultural Rights (1966) and Recommendation N° 202 (2012) of the International Labour Organization:

1. Universal Declaration of Human Rights (United Nations,1948):

Article 22

***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 (bold italics added).

Article 25

Everyone has …***the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood*** in circumstances beyond his control (bold italics added).

1. International Covenant on Economic, Social and Cultural Rights (United Nations, 1966)

Article 9

The States Parties to the present Covenant recognize ***the right of everyone to social security, including social insurance*** (bold italics added)

1. Recommendation concerning National Floors of Social Protection, ILO 2012 (N° 202) [Preamble and Objectives, Scope and Principles]

Acknowledging that ***the right to social security is…an economic and social necessity for development and progress*** (bold italics added) …[c]onsidering also ILO social security standards, in particular the Social Security (Minimum Standards) Convention, 1952 (N° 102), the Income Security Recommendation, 1944 (N° 67), and the Medical Care Recommendation, 1944 (N° 69)…[t]is Recommendation provides guidance to Members to: (a) establish and maintain, as applicable***, social protection floors as a fundamental element of their national social security systems***; and (b) implement social protection floors within ***strategies for the extension of social security*** that progressively ensure higher levels of social security to as many people as possible, guided by ILO social security standards (bold italics added).

A rough assessment of the impact of these standards is as follows: whereas the United Nations instruments comprise public international law founded in the principles of the United Nations Charter Treaty of 1945 (“based on respect for the principle of equal rights and self-determination of peoples”), a Recommendation is a non-binding instrument of the International Labour Organization (contrary to ILO Conventions), which provides guidance, in accordance with the ILO Constitution, 1919 (see Articles 19 and 22).

In respect of content, however, the instruments of public international law are themselves largely devoid, with the exception of the listed circumstances in Article 25 of the Universal Declaration of Human Rights, whereas the ILO Recommendation 202 spells out quite explicitly and in some detail what social security comprises, how a social security system can be defined and the means to achieve it.

In order to address the absence of detail in public international law, the Committee on Economic, Social and Cultural Rights of the Economic and Social Council of the United Nations prepared and adopted a General Comment (N° 19) on the right to social security (Article 9 of the Covenant on Economic, Social and Cultural Rights) in 2007.

In view of the significantly greater importance given to social security in the Sustainable Development Agenda (relative to the Millennium Development Goals), which currently defines national action and international cooperation until 2030 – Social protection floors are the third component of the First Goal to Eradicate Poverty – it can be argued that a new standard that is binding in public international law *and* that provides substantial information on the normative content along the lines of the ECOSOC General Comments is needed. This would represent a standalone document dedicated to the right to social protection, in line, for example, with the recent dedication of a UN resolution to the right to water and sanitation (see Resolution adopted by the General Assembly on 28 July 2010 <https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/64/292>).

An important aspect of the development of the instrument will relate to States’ obligations in respect of funding. The ILO Recommendation refers to national systems that cannot be reduced, but that would be increased “as applicable”. National systems can therefore vary considerably in coverage. The Universal Declaration refers to the “organization and resources” of each State, which it can be argued can be used to weaken the definition and achievement of priorities.

Social security is a right, and as such must be universal. Whereas States may face difficulties in achieving its universal enjoyment, it can be argued that the right must nevertheless be clearly spelled out and the goal of its universal achievement should be the unconditional guiding principle for States at any level of income and resources. The fact that realization of universal social protection may be difficult should not preclude clear and unambiguous definition of the normative content of social protection.

The **issues** to consider would therefore be:

The type of standard to work towards (a UN Convention or an ILO Convention)

The content of the standard

The means to achievement, both managerial and financial

**Strategic actions** to consider would be:

Finding, consulting and working with Member states of either the UN or the ILO, from both developed and developing regions who can

Identifying interested members of the GCSPF who can work on the technical aspects of public international law and can provide a fairly sustained effort