



Issue: Establishing minimum needs for an acceptable social security for all

Forum: ECOSOC

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Introduction

“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.” – Article 22 of the Universal Declaration of Human Rights (UDHR)

With the creation of the UDHR the right to social security has become one of the core values of a well organised state and it has also become essential in providing respectable living conditions. An acceptable social security for all has further been defined by the Committee on the Economic, Social and Cultural Rights.

“The right to social security is the right to access and maintain benefits, whether in cash or in kind, without discrimination in order to secure protection, inter alia, from (a) lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age, or death of a family member; (b) unaffordable access to health care; (c) insufficient family support, particularly for children and adult dependents.” – Committee on the Economic, Social and Cultural Rights, General Comment 19

Sadly, many factors, such as conflicts and corruption, continue to destabilize governments and hinder international cooperation. This has proven to be an obstacles in the pursuit of an acceptable social security for all. We now see the results, as many citizens who are in need of social security are not being provided with it by their government.

It is necessary to establish what the minimum needs are and what measures should be taken to achieve an acceptable social security for all.

Definition of Key Terms

Scheme

In the context of social security, a scheme is an officially organized plan or system. An example of a social security scheme would be the Dutch AOW system. Through taxes the working class pays for the benefits which are then distributed over the elderly who have passed the retirement age.

Benefits

Payments made by the state or an insurance scheme to someone entitled to receive it are called benefits.

Social risks and contingencies

Contingency means something that could happen or come up depending on other occurrences. Social risks and contingencies are unexpected situations which may occur in a person's social surroundings in society. In social security social risks and contingencies are the nine reasons for why an individual would need social security.

Minimum Core Obligations

Minimum core obligations are State party obligations considered to be of immediate effect to meet the minimum essential standards of each of the rights.

General Overview

Elements of social security

Social security consists of several different elements: availability, social risks and contingency, adequacy and accessibility, as stated in the GENERAL COMMENT NO. 19, The right to social security (art. 9). These four key elements encompass the minimum social security needed to comply with all Human Rights concerning this issue and to ensure acceptable living standards for all citizens.

Availability

The right to social security requires that a system is available and in place. It should ensure that benefits are provided for the relevant factors. The system can be composed of a single scheme or a variety of schemes, but in any case, it should be established under domestic law, and national authorities must take responsibility for the supervision and implementation of the system. The schemes should also be sustainable in order for the next generation to enjoy the right as well.

Social risks and contingency

The social security system should cover the following nine primary branches of social security.

- **Health care:** All states have an obligation to provide adequate health care systems, which can consist of one or multiple schemes, and can be regulated by a third party or the government. This should be done adequately and at an affordable price.
- **Sickness:** For individuals who are incapable of working due to sickness there should be cash benefits available to cover periods of loss of earnings. Disability benefits should be available for Individuals suffering from long periods of sickness.
- **Old age:** Benefits should be provided to older persons, starting at a specific age, to be determined by national law. A retirement age should be established that is appropriate to national circumstances and that takes into consideration the nature of the job. Older persons at the age of retirement or above who are not eligible for any retirement pensions or other forms of income, should be provided for with a scheme.
- **Unemployment:** Benefits should be provided to cover periods of unemployment and loss of earnings. In the case of loss of employment, benefits should be paid for an adequate period of time and at the end of the period, the social security system should ensure protection of the unemployed worker, for example through social assistance.
- **Employment injury:** Workers who are injured in the course of employment or other productive work should be protected. The social security system should cover the costs and loss of earnings from the injury and the loss of support for spouses or other individuals dependent on the injured suffered as the result of the death of a person who earns the main income.
- **Family and child support:** It is crucial to provide benefits for families in order to realize the rights to protection of children and adult dependents. The resources of the persons in question, the child and the individual responsible, should be taken into account.

- **Maternity:** All states should grant paid maternity to all women, and benefits should be provided for an adequate period. Appropriate medical benefits should be provided for women and children, including perinatal, during childbirth and postnatal care.
- **Disability:** Persons with disabilities should be eligible for adequate income support. If an individual has lost or experienced reduction in their income due to their disability or a disability-related factor they should be eligible for such a scheme.
- **Survivors and orphans:** The provision of benefits should be ensured for survivors and orphans for the death of a breadwinner who was covered by social security or had rights to a pension. Benefits should also cover funeral costs.

Adequacy

An individual eligible for benefits must receive them adequately to ensure their rights to protection of children and family are realized. Full respect must be paid to the principle of human dignity, and the principle of non-discrimination. The adequacy criteria should be evaluated regularly, to make sure that those receiving benefits can still afford goods.

Accessibility

- **Coverage:** The right to social security is universal, which means all persons should be covered by the social security system. It is especially important for individuals belonging to more disadvantaged and marginalized groups that this right is realized without discrimination.
- **Eligibility:** The conditions set out for a person to qualify for benefits must be reasonable, proportionate and transparent. If it is decided to withdraw, reduce or suspend benefits, it should be based on grounds that are reasonable, subject to due process, and provided for in national law.
- **Affordability:** If contributions are required for social security schemes, those contributions should be well-planned and announced in advance. The costs and charges associated with making contributions must be affordable for all and must not hinder the realization of other rights.

- **Participation and information:** Persons eligible for benefits must be able to participate in the administration of the social security systems. Individuals and organizations have the right to seek and receive information on all social security entitlements in an open and clear manner.
- **Physical access:** Benefits should be provided on time and persons eligible for benefits should have physical access to the social security services. They should also be able to access benefits and information and make contributions where relevant.

General legal obligations

The constraints to realizing the right to social security due to limited resources should not affect other rights individuals get to enjoy. These rights are in immediate affect and all states have their obligations in relation to the right to social security. They have the obligation to guarantee that the right will be exercised without discrimination of any kind, ensure the equal rights of men and women and to take progressive steps.

Realizing the right to social security also carries grave financial implications. While countries might not have fiscal means to provide the right, it should be given appropriate priority within domestic law and policy.

Specific legal obligations

Like any other human right, the right to social security subject to three legal obligations: the obligation to respect, protect and fulfil. If a state does not adhere to these three obligations, a state can be met with severe consequences from the international community.

Obligation to respect

The obligation to respect requires that all states refrain from interfering arbitrarily in the realization of the right to social security. Whether it would be hindering third parties and organizations which help or denying and reducing benefits from eligible individuals, the state has an obligation to not interfere.

Obligation to protect

The obligation to protect entails preventing third parties from negatively influencing the realization of the right. The correct legal frameworks should be set in place to ensure third parties cannot arbitrarily deny the right or set excessive eligibility standards. In no case should a third party be able to compromise this right.

Obligation to fulfil

The obligation to fulfil requires all states to take steps in achieving social security for all. All parties need to adopt the necessary measures directed towards the full realization of the right to social security. State parties should also promote awareness and improve education on social security in their state. Additionally, social security systems should also be able to respond in time of emergency or crisis, for example during and after armed conflict or a natural disaster.

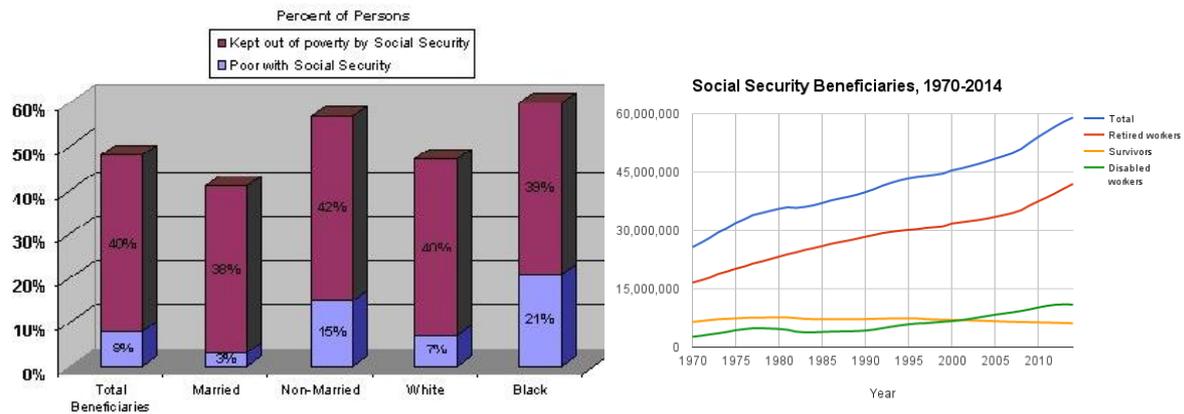
Minimum core obligations

States parties have a core obligation to ensure the satisfaction of, at the very least, minimum needs of the right to social security. This requires the State party, as stated in GENERAL COMMENT 19 of the CESCR:

- a) “To ensure access to a social security scheme that provides a minimum essential level of benefits to all individuals and families that will enable them to acquire at least essential health care, basic shelter and housing, water and sanitation, foodstuffs, and the most basic forms of education. If a State party cannot provide this minimum level for all risks and contingencies within its maximum available resources, the Committee recommends that the State party, after a wide process of consultation, select a core group of social risks and contingencies;
- b) To ensure the right of access to social security systems or schemes on a nondiscriminatory basis, especially for disadvantaged and marginalized individuals and groups;
- c) To respect existing social security schemes and protect them from unreasonable interference;
- d) To adopt and implement a national social security strategy and plan of action;
- e) To take targeted steps to implement social security schemes, particularly those that protect disadvantaged and marginalized individuals and groups;
- f) To monitor the extent of the realization of the right to social security.”

For a state to be able to assign its failure to a lack of resources, it must have demonstrated that every effort has been made and that all resources have been used in an effort to fulfil the core obligations.

It is obligatory for other states to assist and cooperate, especially economically and technically, to enable developing countries to fulfil their core obligations.



According to the International Labor Organization (ILO), progress has been made, but the end is not even in sight yet.

“Countries in many parts of the world have achieved universal coverage, such as Bolivia, Cabo Verde, Lesotho, Mongolia, Namibia, South Africa and Timor Leste. Mongolia, for instance, has been able to provide universal old age and disability pensions, as well as universal maternity and child benefits.

However, more than half of the global population (4 billion people) still has no access to even one social protection benefit. Forty-five per cent of the global population receives only one social protection benefit. Progress has been best in old-age pensions, with 68 per cent of older persons receiving a pension. However, child and family benefits are limited to one third of the world’s children: 1.3 billion children do not have social protection. The numbers worsen for persons with disabilities: only 28 per cent receive social protection benefits.”

It is essential for a State party to meet their minimal core obligations. Without them their country would live in poverty and the conditions would only worsen. As seen in the graphs above, in the USA alone there were more than sixty million people in need of social security, of which 40% was kept out of poverty and still 9% was living in poverty.

Establishing minimum needs for an acceptable social security for all is of course not only a problem for MEDCs, such as the USA, but even more so for LEDCs. Therefore, there is a higher emphasis on international cooperation in order to help countries in need.

Major Parties Involved

International Labour Organisations (ILO)

The ILO is the only tripartite U.N. agency, which together governments, employers and workers of 187 member States since 1919 the ILO brings, to set labour standards, develop policies and devise programmes promoting decent work for all women and men. In 1952, The Social Security (Minimum Standards) Convention, was established and it is the flagship of all ILO social security Conventions, as it is an international instrument, based on basic social security principles, that establishes worldwide-agreed minimum standards for all nine branches of social security.

Global Partnership for Universal Social Protection 2030 (USP2030)

The Global Partnership for Universal Social Protection (USP2030) supports countries, accelerating progress in building their social protection systems. They provide aid in making social security action plans and they help out with financial aid. All countries are still very much welcome to join the partnership.

Committee on Economic, Social and Cultural Rights (CESCR)

CESCR is the treaty body that monitors implementation of the International Covenant on Economic, Social and Cultural Rights by the States parties to the Covenant. It is the supervisory body of the ICESCR which was created by the Economic and Social Council (ECOSOC). They provide normative interpretation and clarification of the Covenant's provisions (general comments).

Office of the High Commissioner for Human Rights (OHCHR)

OHCHR is a department of the Secretariat of the United Nations that works to promote and protect the human rights that are guaranteed under international law and stipulated in the Universal Declaration of Human Rights of 1948. The office was established by the UN General Assembly on 20 December 1993 in the wake of the 1993 World Conference on Human Rights.

Important resolutions and events

- Social Security (Minimum Standards) Convention, 1952
- International Covenant on Economic, Social and Cultural Rights (ICESCR)

Previous attempts to resolve the issue

As already explained in this report, there have been many attempts at resolving the issue. Mostly, there have been several conventions and covenants on social security, which have defined minimum social security and actions a state has to take in order to establish that.

Many other conventions on the progress of achieving the right to social security have followed. At this moment one of the most notable projects going is the USP2030, which started in 2015. They have managed to help their members in achieving elements of social security and distributing these elements universally.

Possible Solutions

According to the ILO, “national action is required in five areas: protection throughout the life cycle; universal coverage; country-level ownership; sustainable and equitable financing, both domestic and international; and participation and social dialogue. “

Additional to national action, international cooperation should also be stimulated. For all State parties to realize the right to social security, they all should work together, especially in times of need, when a country risks not adhering to the minimum core obligations.

Appendix/Appendices

- 1) List of countries who are either signatory to or have ratified (by accession or succession) the International Covenant on Economic, Social and Cultural Rights (ICESCR)
https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-3&chapter=4&clang=_en
- 2) https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/GC/19&Lang=en
- 3) <https://www.usp2030.org/gimi/NewYork.action#country>

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https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_669390/lang--en/index.htm

<https://www.usp2030.org/gimi/USP2030.action>