

SDG 1

Applying human rights standards for the governance of social protection will unleash its transformative potential

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“Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.” (SDG Target 1.3)

The 2030 Agenda and its 17 interrelated goals are grounded in the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration and the 2005 World Summit Outcome Document. The Agenda recognizes that economic growth alone misses those left furthest behind, and its transformative vision is to reach the furthest first, to leave no one behind, to empower the disadvantaged and to end poverty in all its forms everywhere by 2030.

Social protection is key to accomplishing this vision and is mandated in SDG 1, target 1.3. When properly designed, social protection effectively prevents and reduces poverty and inequality. Guaranteed social protection supports improved nutrition and access to essential services and can therefore interrupt the vicious cycle of poverty and its intergenerational transfer. Universal access rights to social protection means that those at extreme disadvantage can be reached, which contributes to overcoming deeply rooted experiences of discrimination and exclusion, disempowerment and gender inequality. But currently only 29 percent of the global population count on comprehensive social protection over the lifecycle and for the different contingencies that may occur.¹ Fewer than 16 percent of older people in low-income countries have a pension, with older women less likely than older men to receive one.²

The human rights framework sets out the moral and humanitarian imperative for social protection for all. Good governance based on this framework is essential to the effective delivery of social protection, necessary to unleash its transformative potential. Adherence to a human rights-based approach necessarily translates into a clear legal framework, transparency and accountability. It requires appropriate institutional capacity and coordination, and bottom-up participation of relevant stakeholders. It also requires global social governance coherent with 2030 Agenda commitments.

1 ILO (2017).

2 Staab (2015).

Human rights framework and international commitments

Social protection, social security and social and economic guarantees in the event of unemployment, sickness, widowhood, old age or other lack of livelihood beyond a person's control, with special attention for mothers and children, are explicitly embedded in the human rights framework articulated in the Universal Declaration of Human Rights (UDHR 1948, Art. 22, Art. 25) and the International Covenant on Economic, Social and Cultural Rights (ICESCR 1966, Art. 9).³ By ratifying the Human Right treaties, states assume the role of principal duty bearer to guarantee these rights, by respecting, protecting and fulfilling. This translates into national and extraterritorial obligations (UDHR 1948, Art. 22).

ILO Recommendation 202 (2012) sets out standards on social protection floors, stipulated in SDG 1, target 1.3. It provides clear guidance on national policy dedicated to social progress, giving a definition of basic social protection as a 'floor' that must be available to all and upon which higher levels of security should be built for as many people as possible, as soon as possible. The floor and additional levels of protection together create a comprehensive national social protection system. The interlinkages of the floor to the vision of the 2030 Agenda can be seen in the commitment to end poverty (SDG 1), hunger (SDG 2), ensure healthy lives (SDG 3), quality education (SDG 4), gender equality, including the recognition of unpaid care and domestic work (SDG 5), decent work (SDG 8), reduce inequality (SDG 10) and build effective and accountable institutions (SDG 16).

It is important to understand how the *right* to social protection for all is critical for breaking the cycle of poverty, marginalization and exclusion over time. Schemes with arbitrary eligibility requirements, time limits on benefits or which lack adequate budget do not take into account dynamic patterns of poverty

and consequently do not guarantee the continuous realization of human rights. They can embed rather than overcome endemic poverty and gender inequality, and are antithetical to the human rights approach.

Applying the principles of accountability, equality, non-discrimination and participation to social protection implementation will guarantee access of rights holders to minimum income security, health and education.

Legal framework

A legal framework that is based on the human rights framework defines rights and entitlements in a clear and transparent way, sets out parameters for duty bearers in terms of programme design and monitoring and legal recourses for rights holders to ensure their enforcement.

Legal frameworks are also essential for defining the roles and responsibilities of the different actors involved in designing, implementing, monitoring and enforcing social protection systems. Such frameworks can and should prepare the ground for bottom-up participation of rights holders (citizens and residents) and their organizations.

Transparency and accountability

An established legal framework consistent with human rights, that is clearly defined and widely communicated, is a prerequisite for accountability relationships. There has to be commitment on the part of duty bearers to effective and equitable delivery of entitlements to rights holders. There should be effective means of redress when governments fail to deliver services to which they have committed. There also needs to be active communication about what is available, how to claim and the method of receiving the transfer. Without obligations set by national legislation, transparent grievance mechanisms and public knowledge of them, accountability will remain weak.

In order to ensure accountability, monitoring and evaluation must be institutionalized elements of social protection programmes. Government should

³ See Articles 22 and 25 paras 1 and 2 of the Universal Declaration of Human Rights 1948 and Article 9 of the International Covenant on Economic Social and Cultural Rights 1966 (<https://www.ohchr.org/EN/Issues/Business/Pages/InternationalStandards.aspx>).

bear primary responsibility for monitoring policy compliance and evaluating impact on human rights. But transparency also means providing public access to accurate data. Without data, governments cannot be held to account, either on national level or regarding international commitments.⁴

Tools exist to measure rights performance of countries and fulfilment of the right to social protection, and human rights arguments can be used effectively to encourage governments to improve their policies, including the linkages between human rights and the SDGs. A useful resource is the training package of the Office of the High Commissioner of Human Rights.⁵ Data collected through National Human Rights Institutes (NHRIs) can be used also to assess progress towards the SDGs.⁶ Obligatory reporting on rights commitments could reinforce the voluntary reporting required by the 2030 Agenda.

Institutional capacity and coordination

Social protection programmes in many countries remain fragmented and uncoordinated. Coverage and adequacy remains low. Targeting systems are fraught with exclusion errors and the means of targeting are in many cases themselves associated with creating intolerable stigma.⁷ Large population groups are still excluded from access to services and benefits; among the excluded often are children, women, older persons, persons with disabilities, those living in extreme poverty and geographically and culturally marginalized groups. As a result social protection programmes do not comply with human rights standards and cannot advance society-wide solidarity and social cohesion.

4 See International Transparency Initiative <https://www.iatistandard.org/en/>.

5 See <https://www.ohchr.org/EN/PublicationsResources/Pages/TrainingPackage.aspx>.

6 See GANHRI (Global Alliance of Human Rights Institutions), <https://nhri.ohchr.org/EN/Pages/default.aspx> and <https://www.humanrights.dk/news/role-national-human-rights-institutions-realising-sdgs>.

7 Kidd et al. (2017); see also Adams and Judd (2019), which details the current struggle over targeting.

If staff and institutional capacity are not secured, and the budget for social protection not created and guaranteed in the long run, the principles of a rights-based approach cannot be honoured. Ensuring effective cooperation between relevant ministries and implementing agencies is essential to coordinate programmes and create coherent systems. The political sustainability of social protection systems will be undermined if public administrations are not capable of delivering benefits reliably, swiftly and fairly.

Coordination also means taking into account the combined effects of social protection and its financing side on poverty and inequality. Fiscal policies, specifically the impact of fiscal policies on the beneficiary population, have to be analysed. Universal benefits, along with any benefit system included in the government budget must be funded through effective and progressive tax systems.⁸

Bottom-up participation of relevant actors

Involving rights holders and their organizations, such as civil society organizations and trade unions, structurally and effectively in establishing universal social protection is a matter of human-rights-based, democratic and inclusive governance. This is especially important, as poverty is often related to peoples' exclusion from economic, social and political participation. Providing space for bottom-up participation has the potential to improve design and delivery, generate broader support for the social protection system and reaffirm the social contract, contributing to its transformative effect and long-term sustainability.

Civil society has an important role to play in this regard, helping to make the voice of otherwise powerless population groups heard in the public debate. Civil society brings extensive experience, often being able to include disadvantaged groups more successfully than government programmes.

Some civil society organizations, including faith-based organizations, have historically been

8 See Lustig (2018).

in the forefront of providing social programmes including social protection benefits. Their experience and legitimacy can be an important input towards universal social protection. In some cases, they may serve as implementing agencies within public social protection programmes; in other contexts, they may implement complementary programmes that can help to tackle complex poverty situations and thereby enhance the overall impact of public policy through subsidiarity. Their engagement can also strengthen institutional capacity, albeit with the final responsibility resting with the government to guarantee that every resident enjoys social protection.

Experience shows that even in universal programmes the most disadvantaged groups remain excluded unless they are actively identified and invited. Civil society organizations inform excluded and disadvantaged groups on their rights and promote their empowerment to claim them. They interact with the State as a critical observer, monitoring government action, raising public awareness and advocating for policy changes; they channel feedback from rights holders and bring in their technical expertise into budget tracking or policy impact analysis.

Coherent global social governance

Global governance coherent with the commitment to the 2030 Agenda and human rights standards requires stronger institutions and mechanisms capable of addressing the social dimension of globalization. A more systematic approach for global social regulation, global protection of social rights and global redistribution is indispensable.⁹

Bottom-up social governance not only refers to the direction of influence from local to national and from national to global, it also calls for more governance space and implementation to be retained at local, sub-national and national level. Social protection needs to be owned and governed by sub-national and national governments with fiscal space created in national budgets.¹⁰

However, current regulatory gaps at the international level can prevent national government from creating and protecting the fiscal space needed to finance social protection. In a globalized world

⁹ See Deacon (2007).

¹⁰ Ortiz et al. (2017).

Box 1.1

The work of the **Africa Platform for Social Protection** (<http://africapsp.org/>) demonstrates that monitoring the delivery of social protection services by civil society can help to hold government departments to account with regard to the standards which they have set for themselves. The Platform, which operates in 27 countries across Africa, regards accountability as building capacity and knowledge of rights to social protection of both policy makers as well as communities which they serve.

Most government cash transfer programmes in Africa have used a top-down approach, lacking any input from beneficiaries and communities. These programmes begin to be implemented with very little awareness on what the programme is about, who it targets, what are the benefits and how beneficiaries can access the service. Bringing the voice and experience of the grassroots and the disempowered to policy-makers improves performance and supports long-term change.

The Platform has therefore developed a social protection accounta-

bility tool to support communities to assess whether payments are made on time; how far people have to travel to payment points; to monitor transparency; the attitudes of civil servants providing the service and the response to complaints. A strong decentralized complaints and grievance mechanism has been found to be essential. Information is collected and analysed in order to generate evidence for informed change. Results of these assessments are taken into government negotiations about the benefit system that is resulting in improved social protection programmes.

national governments lack the range of influence to control global economic actors.¹¹ Global governance is required, to reduce tax evasion by international private players, but also to avoid tax competition between governments to attract investors to locate in their countries. Enhancing progressive taxation and tackling tax evasion would contribute significantly to overcome budget shortfalls, as would expanding contributory revenues for social security coverage, along with policies to increase formal employment.¹² The establishment of an intergovernmental tax body under the auspices of the UN would close an institutional and regulatory gap at the global level and thereby allow for more governance space at the national level.

Social protection, being a human right, needs to be guaranteed in the long run and protected and extended in times of crises. Social spending needs to be prioritized before debt servicing and protected from austerity measures. An important step towards global social governance could be the creation of a debt workout institution and procedures to facilitate debt restructuring processes within the UN system. Another instrument should be the creation of new rules and debt instruments with a fairer risk-sharing.

Global governance also needs to question the extreme level of global inequality, demand systemic change and create redistributive mechanisms. The dramatic rise of national and global inequality is not an inevitable result of economic policy. It is a result of policy choices.

Political will is a necessary starting point for change. Coherence with 2030 Agenda commitments and aligning policies and programmes with human rights standards requires an international financing mechanism to guarantee social protection floors in all countries – including the most vulnerable and those in crisis situations.¹³

Conclusions

No country will be able to end poverty and inequalities, including gender inequality, if it does not invest in the income security, health, and education of all of its population across the life course.¹⁴ States have a legal obligation to guarantee universal social protection as defined in internationally agreed standards and instruments.

The 2030 Agenda and human rights standards offer a powerful, universal and comprehensive normative framework in which to ground claims for inclusive social protection systems and their sustainable and assured public financing as well as coherent international social governance.

Using human rights standards to shape the governance of social protection systems will orientate them towards the realization of economic, social and cultural human rights, the empowerment of rights holders, and the creation of equal opportunities for economic, social and political participation. These elements – rights, empowerment, participation and the reduction of extreme inequality – are critical for breaking the cycle of poverty and exclusion.

Adherence to human rights will start to address the structural flaws and institutional gaps of governance at national and at international level and will both unleash the transformative potential of social protection and contribute effectively towards a world free of poverty.

¹¹ Herman (2018).

¹² Ortiz/Cummins/Karunanethy (2017).

¹³ For more information see De Schutter/Sepúlveda (2012).

¹⁴ Goldblatt (2016).

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The Global Coalition for Social Protection Floors (<http://www.socialprotectionfloorscoalition.org>) is a network of over 100 NGOs, Trade Unions and Think Tanks promoting the right of all people residing in a country to social protection, regardless of documentation. It promotes social protection floors as key instruments to achieve the overarching social goal of the global development agenda.