

## **Social protection: Report of the UN Independent Expert on the question of human rights and extreme poverty**

In August 2009, the United Nations (UN) Independent Expert on the question of human rights and extreme poverty, Magdalena Sepúlveda, presented a report to the UN General Assembly addressing the impact of the global financial crisis on people living in extreme poverty and on the enjoyment of human rights (UN doc A/64/279). The report focuses on, among other things, the potential of social protection systems to tackle the effects of the financial crisis and reduce vulnerability. It notes the alarming impact of the current global economic and financial crisis on the poor, which requires the urgent establishment and expansion of social protection systems to protect those living in poverty and to prevent more people from being pushed into poverty (para 6). Eighty per cent of the world's population have little or no access to adequate social protection (para 7); and 20% live in extreme poverty (para 58). Below is a summary of what the report says about social protection.

### **Social protection**

The report defines social protection, within the

context of the report, as encompassing a wide range of policies aimed at addressing the risks and vulnerabilities of individuals and groups to enable them to overcome situations of poverty. The social protection instruments include safety nets, social assistance, social insurance, and mutual and informal risk management (para 15). If well designed, they may contribute to the achievement of several human rights such as the rights to health, education, social security and an adequate standard of living (para 16). The report states the main aims of social protection systems are:

*(a) facilitating recovery from the crises that have led people to become poor; (b) contributing to the ability of chronically poor people to emerge from poverty and to challenge oppressive socio-economic relationships; (c) supporting the less active poor (such as the elderly, persons with disabilities and children) so that poverty will not be inherited by the next generation (para 17).*

It also notes that the International Covenant on Economic, Social and Cultural Rights (ICESCR) is

relevant to the establishment of social protection measures. They include the obligation to ensure the progressive realisation of all economic, social and cultural rights, and the obligation to ensure special protection for the most vulnerable individuals and groups (para 54). The report also emphasises the importance of international cooperation and assistance in overcoming resource, institutional and technical limitations faced by developing countries in providing social protection (para 55).

In supporting social protection as a response to the financial crisis, the report warns against the risk of states seeking ‘short-term quick fixes to poverty and insecurity’ (para 83). Although social protection measures may commence as an emergency response, the report urges states to reinforce and extend such protection in time to ensure the full realisation of the social security and other rights of the poor (para 84).

**Human rights-based approach to social protection**

The report further underscores the importance of a human rights-based approach to social protection systems (para 57) and discusses the following human rights that should be taken into account when choosing an appropriate social protection system (paras 58-78):

- recognising the state’s obligation to provide social protection, affirmed in international human rights law (paras 58-63);
- respecting the principles of equality and non-discrimination, which also implies a preference for schemes that are universal as opposed to those that benefit only a specific category of persons (paras 64-68);
- ensuring progressive realisation of economic, social and cultural rights, including taking into account the long-term impacts of social protection measures in the expansion of social security coverage (paras 69-70);
- ensuring participation, transparency and accountability in the design, implementation and evaluation of all social protection policies (paras 71-74); and
- addressing specific concerns with regard to gender, age and disabilities, which also requires understanding social protection systems as policies that go beyond the provision of income (paras 75-78).

**Social protection floor**

The report also refers to the ‘social protection floor’ concept launched by the UN System Chief Executive Board for Coordination in response to the financial crisis (paras 97-103). It is similar to the existing

notion of core obligations (para 100). The concept consists of two main elements:

*(a) services to guarantee geographical and financial access to essential public services (such as water and sanitation, health and education); and (b) transfers in the form of basic essential social transfers, in cash and in kind, paid to the poor and vulnerable to provide minimum income security and access to essential services, including health (para 97).*

The social protection floor thus seeks to address the following policy issues: how a basic level of social protection for all can be designed and implemented at the national level; how it can be made compatible with the need to build long-term sustainable architecture of national social protection systems; and how the fiscal space for social transfers can be secured and increased (para 98). The report emphasises that the social protection floor should be understood ‘as the minimal set of policies and measures upon which States can build and make available, higher standards of protection once national budgets capacities increase’ (para 103). National social protection policies should therefore be built around the social protection floor.

**Conclusion**

The report concludes that social protection systems have the potential to tackle the effects of the financial crisis and reduce vulnerability. These systems are necessary to fulfil longstanding commitments to reduce poverty and protect, respect and fulfil human rights (paras 106 and 106). It ends with recommendations for strengthening social protection systems, including adopting a human rights-based approach, working towards universal coverage and prioritising the most vulnerable, promoting participation, accountability and transparency, addressing specific concerns on gender, age and disabilities, and strengthening international cooperation efforts (para 110).

This summary was prepared by **Lilian Chenwi**, senior researcher in, and coordinator of, the Socio-Economic Rights Project.

**The report is available at:**  
<http://daccessdds.un.org/doc/UNDOC/GEN/N09/452/76/PDF/N0945276.pdf?OpenElement>  
**Resolution 8/11 is available at:**  
[http://ap.ohchr.org/documents/E/HRC/resolutions/A\\_HRC\\_RES\\_8\\_11.pdf](http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_8_11.pdf).