

Autonomous Recommendation on the Social Protection Floor.

(Joint statement by a group of NGOs)

This joint statement is submitted by 30 NGOs¹.

We wholeheartedly support the ILO intention to adopt the Recommendation on national social protection floors at the 101st session of the International Labour Conference in June 2012. The implementation of this Recommendation will be a great step forward towards the reduction of poverty and inequality as well as to the empowerment of people worldwide. It is a timely response to the fact that millions of people living on our planet are excluded from the benefits of globalization, and are often penalized through the implementation of austerity measures. We also welcome the fact that the implementation of the ILO Recommendation will be part of the larger United Nations Social Protection Initiative, established in 2009, and in which all UN family members participate.

We are convinced that the rights-based approach to social security and social protection is the most effective way to ensure fulfilment of a person's "right to a standard of living adequate for the health and well-being of himself and his family" - obligations enshrined in Articles 22 and 25 of the Universal Declaration of Human Rights. These rights are also confirmed and extended in other Human Rights Treaties, such as the International Covenant on Economic, Social and Cultural Rights, as well as Conventions related to children; women and gender equality; and persons with disabilities.

All social protection programmes and services must be built on the fundamental human rights principles of: equality, dignity and non-discrimination; participation; transparency, and accountability. This requires that effective mechanisms should be in place for beneficiaries to participate in the design, implementation, monitoring and evaluation of social protection programmes, and that the necessary resources are made available to finance and sustain national social protection floors. It also requires that an all-inclusive concept of residence is used in article 6 of the Recommendation, so that all inhabitants of our planet can benefit from the social protection floor to the greatest extent possible.

In the annex to this statement we propose amendments to the draft text of the ILO Recommendation, which are in line with those proposed by the UN Special Rapporteur on Extreme Poverty and Human Rights. These proposed amendments are grouped under six headings, i.e. (i) the preamble; (ii) the residence concept; (iii) accountability mechanisms; (iv) the dignity of beneficiaries; (v) the participation of all groups involved in social protection programmes; (vi) and gender equality.

¹ Some of these NGOs participated in a seminar organized by the Friedrich Ebert Stiftung (FES) on 29-30 March 2012 in Geneva. Most of the co-signatory NGOs operate in many countries.

Social protection floors are affordable and they are necessary for economic and social development as well as for the empowerment of all groups in society. We call upon all governments, employers' and workers' organizations to support the adoption of the ILO Recommendation, and to work hand in hand with civil society organizations to implement the social protection floor. Representatives of some NGOs and institutions supporting this statement will attend the International Labour Conference in June, and stand prepared to clarify our proposals during the Committee meeting in June.

Co-signatories to this joint statement are:

Brot für die Welt, Germany;
 Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento, (CIPPEC) Argentina;
 Community Law Centre, South Africa;
 Congregation of Our Lady of Charity of the Good Shepherd, United States;
 Development Research and Training (DRT), Uganda;
 General Confederation of Trade Unions (GCTU), Russia;
 HelpAge International, United Kingdom;
 International Alliance of Women (IAW);
 International Council on Social Welfare (ICSW), France;
 International Disability Alliance (IDA), Switzerland;
 International Kolping Society (IKS), Germany;
 International Federation of Social Workers (IFSW), Switzerland;
 International Movement ATD Fourth World, France;
 International Presentation Organization, United States;
 Marianists International, United States;
 Medical Mission Sisters, United States;
 OXFAM, United Kingdom;
 Passionists International, United States;
 Programme on Women's Economic, Social and Cultural Rights (PWESCR), India;
 Proyecto de Derechos Económicos, Sociales y Culturales (PRODESC), Mexico;
 Salesian Missions, United States ;
 Service and Research Institute on Family and Children (SERFAC), India ;
 Sisters of Notre Dame de Namur, Belgium;
 Social Justice in Global Development, Germany;
 Solidar, Belgium;
 The Grail, Netherlands;
 Trade Union Right Centre, Indonesia;
 Trickle Up, United States;
 UNANIMA International, United States;
 VIVAT International, United States.

Annex: Proposed amendments under six headings: (1) Preamble; (2) Residence concept; (3) Accountability mechanisms; (4) Dignity of beneficiaries; (5) Participation of all groups involved in social protection programmes; and (6) gender equality

1. Preamble. Not all countries have ratified the International Covenant on Economic, Social and Cultural Rights, and it is therefore important to mention here other Human Rights Treaties that are directly relevant to the social protection floor initiative. We suggest amending the following phrase: “Considering the Universal Declaration of Human Rights ..., ~~and~~ the International Covenant of Economic, Social and Cultural Rights, in particular Articles 9, 10, 11 and 12, **the Convention on the Elimination of All Forms of Discrimination against Women, in particular Articles 11, 12 and 14, the Convention of the Rights of the Child, in particular Article 26, and the Convention on the Rights of Persons with Disabilities, in particular Article 28.**”
2. It is important to include in the Recommendation the residence concept that is rooted in human rights texts, and in particular in General Comment No.19 on the right to social security. We therefore propose the following amendment of Article 6. “Subject to their existing international obligations, Members should provide the basic social security guarantees referred to in this Recommendation to ~~at least all residents and children~~ **all individuals within its territory and subject to its jurisdiction**, as defined in national laws and regulations.”
3. Rights-based social protection emphasizes that everyone has the right to an effective remedy when his or her rights have been violated. The Recommendation states in article 8 that “effective, simple, rapid, accessible and inexpensive complaints and appeals procedures should also be specified”. This should be based on a principle that could already be announced in article 3, sub-paragraph (b) in the following way: “entitlement to benefits prescribed by law, **and access to accountability mechanisms at the national level**”.
4. Whereas treating beneficiaries with respect is a fundamental characteristic of social justice, research has shown that this acknowledgement of the dignity of every person also helps to empower beneficiaries to strive towards self-sufficiency. In article 3 after sub-paragraph (d) we therefore propose a new principle: “**Promotion of and respect for the rights and dignity of beneficiaries**”.
5. The human rights approach requires states to put in place adequate mechanisms for all beneficiaries to participate in the design, implementation, monitoring and evaluation of social protection programmes. Employers’ and workers’ organizations play an important role here, but other relevant groups, such as the elderly, people with disabilities and persons living with HIV/AIDS, also need to be included in the process of participation. We therefore propose the following amendments:

- Article 3 sub-paragraph (k): “~~involvement~~ **participation** of representative organizations of employers and workers as well as ~~consultation with~~ representatives of other organizations and persons concerned”.
 - Article 7 sub-paragraph (d): “representative organizations of employers and workers and, ~~as appropriate,~~ representatives of other organizations and persons concerned should be involved in the establishment and review of the levels of these guarantees.”
 - Article 13 (1): “Members should formulate and implement national social security extension strategies, based on national consultation and effective social dialogue, **including with the participation of organizations and persons concerned.**”
 - Article 19: “Members should monitor progress in implementing social protection floors and achieving other objectives of national social security extensions strategies, through appropriate nationally defined mechanisms, involving representative organizations of employers and workers and, ~~as appropriate,~~ representatives of other organizations and persons concerned.”
6. The Recommendation mentions at various points the important principle of gender equality. Since unpaid care work is recognized as a reason why some people are unable to earn a sufficient income, we suggest the following amendment to article 5(c): “basic income security at least at a nationally defined minimum level of persons of active age who are unable to earn sufficient income, including in case of sickness, unemployment, maternity, disability **and responsibility for the care of those unable to care for themselves.**”