

Looking back to look ahead: A rights-based approach to social protection in the post-COVID-19 economic recovery

As the world faces the deepest economic recession since the 1929 Great Depression, social protection is again on the top of the international agenda, years after the adoption in 2012 of Recommendation No.202 on National Social Protection Floors within the International Labour Organization. As countries rush to issue cash transfers, unemployment benefits, and in-kind support for their citizens, the Special Rapporteur assesses the responses governments are providing, examines the global state of public services and human rights before the pandemic, and reflects on the challenges that lie ahead.

In this report, submitted in response to resolution 44/13 of the Human Rights Council, the Special Rapporteur argues that the world was ill-equipped to deal with the socioeconomic impacts of this pandemic because it never recovered from the austerity measures imposed in the aftermath of the global financial crisis of 2008-2011. The legacy of austerity measures is severely underfunded public healthcare systems, undervalued and precarious care work, sustained declines in global labour income shares, and high inequality rates coupled with average decreases in statutory corporate tax rates. With public services in dire straits, one-off cash transfers are a drop in the bucket for people living in poverty, whether in developed, developing, or least developed countries.

Maladapted, short-term, reactive, and inattentive to the realities of people in poverty, the new wave of social protection hype must hold up to human rights scrutiny. This report identifies eight challenges that must be addressed in order to bring social protection in line with human rights standards.

In total, over 1,400 social protection measures have been adopted by 208 jurisdictions to cushion the shock. While a remarkable number in itself, the intended beneficiaries of these schemes must often face systemic obstacle courses to access them. Many of the programs are short-term, temporary measures, that either are being phased out, or can only be renewed through parliamentary processes with uncertain outcomes. Many provide allowances that are grossly insufficient to guarantee an adequate standard of living. Although some schemes have been designed to cover workers in the informal sector and in precarious forms of employment (respectively 1.6 billion and 0.4 billion worldwide, both categories representing 61.2% of the global workforce), many are inattentive to the realities of the different groups that make up this category of workers. Migrants, especially undocumented migrants, often are not covered. Indigenous Peoples, despite being overrepresented among people in poverty, remain invisible to public databases and face distinct obstacles in accessing benefits. Many schemes are not gender-sensitive because they do not take into account the fact that women are overrepresented among part-time workers and workers in precarious employment, as well as among workers with an interrupted career, and that women shoulder the burden when schools close or when the

healthcare sector is overwhelmed. Many schemes also require forms to be completed online, which *de facto* excludes large groups of the population who have no internet access or have little digital literacy. Finally, although transparency and participation should ensure that schemes are designed and implemented effectively and reach those who are most in need of support, and although access to independent claims mechanism are essential to reduce the risks of exclusion, these human rights principles have almost systematically been disregarded in the name of expediency.

In sum, impressive though the reaction has been considering the number of measures adopted, States have been taken off-guard. Now is the time to rebuild. The international community must prove that it learned from the mistakes of the 2008-2011 global financial crisis to avoid ending up more fragile than when it started.

Equitable financing, one of the main themes of the Call to Action of the Global Partnership for Universal Social Protection (USP2030), should therefore be at the heart of States' answer to this crisis in order to avoid repeating the mistakes of the past: this is essential to ensure "universality of protection, based on social solidarity," as pledged in the Social Protection Floors Recommendation No. 202. Fiscal support to emissions-intensive firms contributing to climate change must also be conditional on clear plans for a transition towards zero emissions. The design and implementation of social protection policies, and any conditionalities attached to allowances, must be transparent, consider the voices of people in poverty, and include oversight mechanisms that allow populations to hold their governments to account.

Building social protection systems on the basis of human rights can significantly contribute to their effectiveness in eradicating poverty and in reducing inequalities, thus improving resilience of societies in the face of shocks. This means defining social protection neither as an emergency response to a situation of crisis, nor as charity – but rather as a set of permanent entitlements prescribed by domestic legislation, defining individuals as rights-holders, and guaranteeing them access to independent claims mechanisms if they are denied the benefits for which they qualify. Both the mobilization of domestic resources and international solidarity should be placed in the service of this objective.