1. **The right to social security**

The right to social security[[1]](#footnote-1) aims to provide income security and support for all people across the life cycle, with particular attention to the most marginalized. Such support, whether in cash or in kind, is provided **without discrimination** in order to secure protection 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.

**Availability**: a social security system has to be available and in place to ensure that benefits are provided for the relevant social risks and contingencies.

**Adequacy**: benefits, whether in cash or in kind, must be adequate in amount and duration in order that everyone may realise his or her rights to family protection and assistance, an adequate standard of living and adequate access to health care. This would require the regular monitoring of the adequacy of benefits.

**Accessibility:**

* Coverage: all persons should be covered by the social security system, especially the most disadvantaged and marginalized groups, without discrimination. In order to ensure universal coverage, non-contributory schemes are necessary.
* Eligibility: qualifying conditions for benefits must be reasonable, proportionate and transparent. The withdrawal, reduction or suspension of benefits should be circumscribed, based on grounds that are reasonable, subject to due process, and provided for in national law.
* Affordability: the direct and indirect costs associated with making contributions must be affordable for all, and must not compromise the realization of other economic and social rights.
* Participation and information: beneficiaries of social security schemes must be able to participate in the administration of the social security system. The system should be established under national law and ensure the right of individuals and organizations to seek, receive and impart information on all social security entitlements in a clear and transparent manner.
* Physical access: benefits should be provided in a timely manner and beneficiaries should have physical access to the social security services in order to access benefits and information.

**Core content**: to ensure on a non-discriminatory basis 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.

Social protection measures should be **gender-responsive** and take into account the disproportionate burden of unpaid care work that society places on women. The unpaid care work women perform throughout their life obstructs their ability to access formal employment and therefore contributory social security or decent wages, endangering their right to an adequate standard of living across their life cycle. Women will be more likely to be employed in informal, precarious, low-paid jobs, with no access to social insurance benefits such as the ability to contribute/equally contribute to pension schemes, paid maternity leave, or unemployment insurance. They will also often be exposed to unsafe and unhealthy working conditions in these jobs. Even when women manage to combine unpaid care work with formal-sector employment, they are likely to have lower social insurance contributions than men, owing to lower wages (notably the gender pay gap) and a history of so-called “interrupted” or part-time work because of child-rearing or other unpaid care work.

The unequal burden of household and care work will often already start in childhood, where girls will be requested more to support the family with these tasks. This will in turn have a negative impact on, among others, their rights to education, rest, leisure and play. The demand of care work and the resulting unequal conditions of employment for women will, among others, dramatically increase their risk of poverty and impact their right to health. This will often be exacerbated for older women, for whom this situation may result in no/very low old age pensions, making them particularly prone to poverty.

In the context of the **COVID-19 crisis**, women’s unpaid care work has increased with the closure of schools and the impact of the health crisis as the care of children, the sick and older persons falls more heavily on them. While in several countries studies have shown that the involvement of men in household work has increased compared to pre-COVID times, the burden on women is still disproportionate. For example, homeschooling has particularly been the mother’s responsibility, and even when working mothers earn more, they spend more time on childcare than working fathers.

Social protection policies should aim at correcting this imbalance to ensure unpaid care work does not undermine women’s human rights. Human rights based social protection measures represent a critical tool for facilitating access to health care, protecting people against poverty and ensuring the satisfaction of basic economic and social rights, including food, water, housing, health and education.

**Children** should be at the centre of any social protection scheme due to the heightened vulnerabilities that they face due to their early stage of physical, intellectual and emotional development. Cash transfers directed at families with children have been effective in the protection and fulfilment of children’s rights, including their rights to life, to health and to education.

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| * Social protection floors and economic, social and cultural rights

<https://www.ohchr.org/Documents/Issues/SocialSecurity/ReportSocialProtectionFloors.pdf>* Austerity measures and economic, social and cultural rights

<https://www.ohchr.org/Documents/Issues/Development/RightsCrisis/E-2013-82_en.pdf>* UN Social protection and human rights platform, OHCHR, ILO, UNICEF, UNWOMEN, FAO

<https://socialprotection-humanrights.org/about/> |

1. The right to social security is recognized in numerous human rights instruments including the Universal Declaration of Human Rights (art. 22) and the International Covenant on Economic, Social and Cultural Rights (arts. 9 and 10). Article 11 of the Convention on the Elimination of All forms of Discrimination against Women recognizes the right to social security for women, especially in cases of retirement, unemployment, sickness, invalidity, old age or other incapacity. In addition, article 11 recognizes the right to paid leave. Article 26 of the Convention on the Rights of the Child recognizes the right of the child to social security and social insurance. Article 27 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families sets out the right of all migrant workers to social security on an equal footing with nationals, as well as to reimbursement of contributions if they cannot access benefits. Article 28 of the Convention on the Rights of Persons with Disabilities recognizes the right of persons with disabilities to social protection without discrimination on the basis of disability and enumerates steps to be taken by States to safeguard and promote the realization of this right. See CESCR, general comment No 19. [↑](#footnote-ref-1)