



# REALIZING THE RIGHT TO SOCIAL SECURITY

SUBMISSION TO THE OFFICE OF THE UNITED NATIONS HIGH  
COMMISSIONER FOR HUMAN RIGHTS

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# INTRODUCTION

Amnesty International welcomes the call for information by the Office of the United Nations High Commissioner for Human Rights for a panel discussion on “the challenges and good practices to strengthen the fulfilment of the right to social security and for building, financing and implementing public policies and quality public services as key tools for the realization of economic, social and cultural rights.”<sup>1</sup>

The world has been reeling under wave after wave of crises caused by conflict, the climate emergency, and the Covid-19 pandemic, that have resulted in largescale destruction, and loss of life. These crises have also resulted in growing hunger, loss of jobs, skyrocketing inflation, and increasing unrest on a global scale – all in a context in which over half of the world’s population - 4.1 billion people - are not protected by any social protection measure other than healthcare.<sup>2</sup> For example, billions of people have no access to family and child benefits and income support in case of unemployment, sickness, disability and older age. This lack of protection is particularly devastating for people living in poverty and those at risk of multiple and intersecting forms of discrimination, as they often face mutually reinforcing deprivations such as precarious and unsafe work, inadequate housing, water, and sanitation, lack of access to healthcare, and lack of adequate and nutritious food.

# PANDEMIC RESPONSE

Recognizing the importance of social protection in saving lives and containing the spread of the virus, almost all countries put in place some social security measures in the first year of the Covid-19 pandemic. For example, many states including France, Japan and Italy expanded leave to help working parents with childcare during school closures. Somalia introduced a cash transfer programme for the first time, intended to benefit 1.3 million people; and Portugal temporarily regularized the status of non-nationals, including people seeking asylum, giving them access to healthcare, social support, employment and housing.<sup>3</sup>

However, while the impacts of the pandemic, among other crises, endure till today, many of these measures were temporary. Furthermore, implementation was often ad-hoc resulting in some of the most marginalized people such as Indigenous peoples, migrants, and informal workers facing barriers in accessing the benefits.<sup>4</sup> For example, according to the UN Development Programme and UN Women, the global jobs and social protection response to the pandemic has been “largely gender-blind”.<sup>5</sup> Only 60 of the 181 countries that implemented relief measures made specific reference to people with disabilities and around 90% of the fiscal response in the forms of loans, grants, or wage subsidies, went to businesses instead of individuals.<sup>6</sup> In Latin America and the Caribbean, Amnesty International and the Centre for Economic and Social Rights found that although hundreds of emergency social protection measures were introduced as part of the pandemic response, their effects on poverty alleviation were limited. This is explained by three factors. First, the high vulnerability of household incomes – in 2019 nearly 80% of the population in LAC countries lived on incomes barely three times the poverty line. Second – more than half of the working population did not have access to social security, and finally, in many countries policies that are essential to guarantee the right to health or a minimum level of social protection are fragmented and exclusionary where 30% of the population of LAC countries does not have access to public health services due to lack of insurance.<sup>7</sup>

A key lesson from the pandemic was that states which had well developed social protection systems prior to the pandemic were able to use the systems with far more effectiveness to mitigate against shock than those who did not.<sup>8</sup>

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<sup>1</sup> OHCHR, “Call for Input Human Rights Council Resolution 52/11 on the Question of the Realization in All Countries of Economic, Social and Cultural Rights, 29 December 2023”, <https://www.ohchr.org/en/calls-for-input/2023/call-input-human-rights-council-resolution-5211-question-realization-all>

<sup>2</sup> ILO, *World Social Protection Report 2020–22: Social Protection at the Crossroads – In Pursuit of a Better Future*, 1 September 2021, [https://ilo.org/global/publications/books/WCMS\\_817572/lang--en/index.htm](https://ilo.org/global/publications/books/WCMS_817572/lang--en/index.htm), p. 19.

<sup>3</sup> ILO, *Towards solid social protection floors? The role of non-contributory provision during the COVID-19 crisis and beyond*, ILO Brief, January 2021, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---soc\\_sec/documents/publication/wcms\\_766884.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---soc_sec/documents/publication/wcms_766884.pdf), p. 7.

<sup>4</sup> ILO, *World Social Protection Report 2020–22: Social Protection at the Crossroads – In Pursuit of a Better Future* (previously cited), p. 68.

<sup>5</sup> ILO, *World Social Protection Report 2020–22: Social Protection at the Crossroads – In Pursuit of a Better Future* (previously cited), p. 73.

<sup>6</sup> ILO, *World Social Protection Report 2020–22: Social Protection at the Crossroads – In Pursuit of a Better Future* (previously cited), p. 73.

<sup>7</sup> Amnesty International, *Americas: Unequal and Lethal: Five keys to recovering from the human rights crisis unleashed by the pandemic in Latin America and the Caribbean* (Index: AMR 01/5483/2022), 27 April 2022, <https://www.amnesty.org/en/documents/amr01/5483/2022/en/>, p. 9.

<sup>8</sup> ILO, *World Social Protection Report 2020–22: Social Protection at the Crossroads – In Pursuit of a Better Future* (previously cited), p. 19.

# ECONOMIC SHOCK AND SOCIAL PROTECTION MEASURES

Multiple crises have also dealt a body blow to the financial health of many states, increasing debt distress and shrinking fiscal space. This has contributed to creating economic crises in countries such as Sri Lanka and Lebanon, leading to high inflation, rising unemployment and poverty, with a devastating impact on access to essential goods and services.<sup>9</sup> Even in wealthy states such as the United Kingdom (UK), the cost-of-living crisis has seen an increasing number of people dependent on food banks or charitable organizations for food, and increased homelessness.<sup>10</sup> In such a context, there is an urgent need for largescale intervention through human rights compliant social protection programmes to ensure that all persons are able to access an adequate standard of living. However, Amnesty International's research shows that while Sri Lanka and Lebanon introduced some new and enhanced social security schemes, their eligibility criteria mean that only a small fraction of people can benefit, and a huge majority of the population remains excluded. Furthermore, many schemes in the case of Lebanon are temporary in nature.

Poverty in **Sri Lanka** doubled to 25% of the population in 2022 due to economic contraction - with an increase of 2.5 million people living in poverty.<sup>11</sup> While Sri Lanka had several social security programmes, *Samurdhi*, the flagship social assistance programme, was insufficient in protecting people against economic shock due to some long-standing limitations. For example, while the benefit amounts increased in nominal terms, a World Bank report found that, *Samurdhi* "benefit amounts are still largely inadequate and are not indexed to inflation."<sup>12</sup> *Samurdhi* was also criticized for poor targeting and for exclusion errors, and administrative inadequacies in registering eligible people.<sup>13</sup> In the context of the Malayaha Tamil community,<sup>14</sup> which ranks among Sri Lanka's most marginalized groups, the World Bank has noted that "[d]espite high poverty rates, only 8% of estate sector residents were covered by *Samurdhi*."<sup>15</sup>

In 2023, the World Bank funded Sri Lanka's '*Aswesuma*' Welfare Benefit Payment Scheme, meant to replace *Samurdhi*.<sup>16</sup> *Aswesuma*, based on a multi-dimensional approach to poverty (as opposed to the household size approach used by *Samurdhi*) relies on proxy-means testing.<sup>17</sup> Eligibility for *Aswesuma* is determined using a 'deprivation score' based on 22 data points which include access to electricity, access to drinking water, vehicle ownership, access to toilets, and type of housing and land ownership.<sup>18</sup> According to LIRNEAsia, a Colombo-based policy think tank, the eligibility criteria for *Aswesuma* has a high exclusion rate of 47% – that means it identifies approximately only 1.1 of the 2 million families living below the poverty line as eligible for support.<sup>19</sup> Amnesty International also found that *Aswesuma*'s narrow criteria do not include pregnant and breastfeeding women as a specific group in need of support through this programme. This gap is significant because the supply of *Thripasha*, a food supplement provided universally to pregnant and breastfeeding women, was often halted and food vouchers meant for this group were unredeemable due to lack of government funds.<sup>20</sup>

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<sup>9</sup> Amnesty International, *Actions Speak Louder than Words: The World Bank Must Promote Universal Social Protection* (Index: POL 40/722/2023), 10 October, 2023, <https://www.amnesty.org/en/documents/pol40/7224/2023/en/>

<sup>10</sup> Guardian, "Record numbers in UK seeking help with energy bills and food costs", 28 December 2023, <https://www.theguardian.com/society/2023/dec/28/record-numbers-in-uk-seeking-help-with-energy-bills-and-food-costs-citizens-advice>

<sup>11</sup> World Bank, *Sri Lanka Development Update: Time to Reset*, 4 April 2023, <https://www.worldbank.org/en/country/srilanka/publication/sri-lanka-development-update-2023>

<sup>12</sup> World Bank, *Sri Lanka Poverty Update: Background report to Sri Lanka Poverty Assessment*, 2021, <https://documents1.worldbank.org/curated/en/703091634229318506/pdf/Sri-Lanka-Poverty-Update-Background-Report-to-Sri-LankaPoverty-Assessment.pdf>, p 44

<sup>13</sup> Lakshila Wanigasinghe, "Towards zero poverty: Why effective targeting of *Samurdhi* transfers is essential", 3 March 2021, Institute of Policy Studies of Sri Lanka (IPS), Talking Economics, <https://www.ips.lk/talkingeconomics/2021/03/03/towards-zero-poverty-why-effective-targeting-of-samurdhi-transfers-is-essential/>

<sup>14</sup> Malayaha Tamils were brought to Sri Lanka from India to work in the plantation sector over 200 years ago under British colonial rule. This community continues to face multiple forms of discrimination on the basis of their descent today.

<sup>15</sup> Yeon Soo Kim and others, *Sri Lanka Poverty Assessment: Accelerating Economic Transformation - Synthesis Report*, October 2021, World Bank Group, available at: <http://hdl.handle.net/10986/36456>, p. 45.

<sup>16</sup> *Aswesuma* is part of the World Bank's USD 200 million 'Social Protection Project'. World Bank Group, "World Bank Group adopts Country Partnership Framework for Sri Lanka to help reset the economy, protect the poor", 28 June 2023, <https://www.worldbank.org/en/news/press-release/2023/06/27/world-bank-group-adopts-country-partnership-framework-for-sri-lanka-to-help-reset-the-economy-protect-the-poor>

<sup>17</sup> Lakshila Wanigasinghe, "Revamping welfare: Is *Aswesuma* the salvation Sri Lanka's poor hoped for?", 5 September 2023, Institute of Policy Studies of Sri Lanka (IPS), Talking Economics, <https://www.ips.lk/talkingeconomics/2023/09/05/revamping-welfare-is-aswesuma-the-salvation-sri-lankas-poor-hoped-for/>

<sup>18</sup> LIRNEAsia, *Social Safety Nets and the State of Poverty in Sri Lanka*, 7 June 2023, <https://lirneasia.net/wp-content/uploads/2023/06/LIRNEAsia-Social-Safety-Nets-and-the-State-of-Poverty-in-Sri-Lanka-3.pdf>, p. 43.

<sup>19</sup> LIRNEAsia, *Social Safety Nets and the State of Poverty in Sri Lanka* (previously cited), p. 46.

<sup>20</sup> Amnesty International, *Foregoing Meals to Make-Do: The Impact of Sri Lanka's Economic Crisis on Maternal Nutrition* (Index: ASA 37/6872/2023), 12 July 2023, <https://www.amnesty.org/en/documents/asa37/6872/2023/en/>, p. 19.

In **Lebanon**, as a response to the worst economic crisis in recent history, the government introduced the Emergency Crisis and Covid-19 Response Social Safety Net Project (ESSN) in 2021.<sup>21</sup> The ESSN, which is funded through a World Bank loan, scales up Lebanon's existing poverty targeted social assistance programme called the National Poverty Targeting Programme (NPTP). Like the NPTP, the ESSN uses proxy means testing to identify "extremely poor households", and then uses categorial targeting (such as households headed by women) to prioritize "socially vulnerable categories".<sup>22</sup> However, the formula used to ascertain eligibility for ESSN is not publicly available. Furthermore, in a situation where 82% of people – 4 million in total – were estimated to be living in multidimensional poverty in 2021, with 34% at 'extreme' levels,<sup>23</sup> ESSN aims to cover just 20% of the population.<sup>24</sup> In addition, social insurance in Lebanon does not cover the informal sector, therefore, people working in this sector but who are not 'poor enough' to qualify for the NPTP or ESSN are excluded for social protection, even during the economic crisis.<sup>25</sup> Registration for ESSN has also been a challenge as there was only a two-month window period (December 2021 to January 2022) when people could apply for it online. Those who missed this period have been left out from registering for support.<sup>26</sup>

In December 2023, Lebanon introduced long overdue amendments to alter the governance of the pension system for private sector workers under the National Social Security Fund, including changes such as indexing pension values to inflation.<sup>27</sup> While this is an important step forward, it still leaves a large proportion of people without pension coverage, especially those who have not been able to contribute to the pension system and/or those who work in the informal sector. This is particularly significant as informal employment in Lebanon increased from 54.9% of the workforce in 2018- 2019 to 62.4% in 2022.<sup>28</sup>

## CUTS, FREEZES, AND OVERLY STRICT ELIGIBILITY CRITERIA

Failure of governments to ensure that social protection measures are in line with the right to social security is increasingly being seen in wealthy countries. Stringent eligibility requirements, and cuts and freezes to benefits have meant that many people, especially those belonging to groups vulnerable to marginalization and discrimination, face significant barriers in accessing their right to social security.

In **Austria**, for example, Amnesty International has found that the Basic Act on Social Assistance which was introduced in 2019 raises serious human rights concerns.<sup>29</sup> This Act replaces a minimum income benefit level with a benefit cap or an upper limit on the amount that an individual can receive.<sup>30</sup> The introduction of benefit caps is therefore *prima facie* a retrogressive measure as it is a step back from the earlier means-tested minimum income benefits scheme.<sup>31</sup> Eligibility criteria for social assistance under the Act also exclude persons with subsidiary protection status<sup>32</sup> and non-nationals who have been living in Austria legally and with

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<sup>21</sup> The World Bank, "Lebanon Emergency Crisis and Covid-19 Response Social Safety Net Project", <https://projects.worldbank.org/en/projects-operations/project-detail/P173367>

<sup>22</sup> World Bank, "US\$246 million to support poor and vulnerable Lebanese households and build-up the social safety net delivery system", 12 January 2021, <https://www.worldbank.org/en/news/press-release/2021/01/12/us246-million-to-support-poor-and-vulnerable-lebanese-households-and-build-up-the-social-safety-net-delivery-system>

<sup>23</sup> UN Economic and Social Commission for Western Asia (ESCWA), "Multidimensional poverty in Lebanon (2019-2021) Painful reality and uncertain prospects", September 2021, Policy Brief 2, <https://www.unescwa.org/sites/default/files/pubs/pdf/multidimensional-poverty-lebanon-2019-2021-english.pdf>, p. 2.

<sup>24</sup> World Bank Group, "Lebanon Emergency Crisis and Covid-19 Response Social Safety Net Project (ESSN) -Project Fact Sheet", <https://thedocs.worldbank.org/en/doc/517791610478201970-0280022021/original/MENALebanonESSNFactSheetEnglish.pdf>

<sup>25</sup> Civil Society Knowledge Centre, "Social Protection in Lebanon: The National Social Security Fund (NSSF), 2019, <https://civilsociety-centre.org/content/social-protection-lebanon-national-social-security-fund-nssf>

<sup>26</sup> Siren Associates, "World Bank-funded cash assistance program begins payouts to Lebanon's poorest families", 4 April 2022, <https://sirenassociates.com/updates-events/cash-assistance-payments-begin-for-thousands-of-lebanons-poor/>

<sup>27</sup> ILO, "Lebanon adopts landmark social security reforms and a new pension system for private sector workers", 15 December 2023, [https://ilo.org/beirut/media-centre/news/WCMS\\_906949/lang-en/index.htm](https://ilo.org/beirut/media-centre/news/WCMS_906949/lang-en/index.htm)

<sup>28</sup> Central Administration of Statistics and ILO, *Lebanon Follow-up Labour Force Survey, January 2022*, 2022, [https://ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms\\_848353.pdf](https://ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_848353.pdf), p. 26.

<sup>29</sup> Amnesty International, *Das Sozialhilfe-Grundsatzgesetz in Österreich: Ein Schritt zurück für die Menschenrechte*, Oktober 2023, [https://www.amnesty.at/media/11264/amnesty\\_report\\_das-sozialhilfe-grundsatzgesetz-in-oesterreich-ein-schritt-zurueck-fuer-die-menschenrechte\\_oktober-2023.pdf](https://www.amnesty.at/media/11264/amnesty_report_das-sozialhilfe-grundsatzgesetz-in-oesterreich-ein-schritt-zurueck-fuer-die-menschenrechte_oktober-2023.pdf)

<sup>30</sup> Basic Act on Social Assistance (Bundesgesetz betreffend Grundsätze für die Sozialhilfe (Sozialhilfe-Grundsatzgesetz), StF: BGBl. I. Nr. 41/2019).

<sup>31</sup> Amnesty International, *Das Sozialhilfe-Grundsatzgesetz in Österreich: Ein Schritt zurück für die Menschenrechte*, Oktober 2023, [https://www.amnesty.at/media/11264/amnesty\\_report\\_das-sozialhilfe-grundsatzgesetz-in-oesterreich-ein-schritt-zurueck-fuer-die-menschenrechte\\_oktober-2023.pdf](https://www.amnesty.at/media/11264/amnesty_report_das-sozialhilfe-grundsatzgesetz-in-oesterreich-ein-schritt-zurueck-fuer-die-menschenrechte_oktober-2023.pdf)

<sup>32</sup> Subsidiary protection is a temporary protection status for persons seeking asylum who do not qualify as refugees. This status may be given to a third-country national or a stateless person after demonstrating "that the person concerned, if returned to their country of origin, or in the case of a stateless person to their country of former habitual residence, would face a real risk of suffering serious harm", as defined in Art. 15 of Directive 2011/95/EU (Recast Qualification Directive)

permanent residence status for less than five years.<sup>33</sup> Thus potentially leaving these individuals in a vulnerable situation and increasing risk of precarious or exploitative employment rise.<sup>34</sup>

In **Finland**, joint research by Amnesty International and the Finnish League for Human Rights highlighted that austerity measures which introduced cuts and freezes to various benefits including the National Pension Index,<sup>35</sup> reduced the purchasing power of unemployment benefits,<sup>36</sup> and increase poverty among families with children.<sup>37</sup> In 2020, although the government cancelled the index freeze, and introduced small incremental increases to unemployment benefits, these were not sufficient to restore the value of the benefits cuts made under the previous government.<sup>38</sup> In its Concluding observations on Finland, the CESCR expressed concern that cuts in benefits and the freeze on index linking between 2015 and 2019 has rendered these benefits inadequate and disproportionately affected groups that had already been disadvantaged.<sup>39</sup>

## CHALLENGES WITH THE INTRODUCTION OF AUTOMATION

While the introduction of technology in social protection systems, is often portrayed as a means to improve access to government services and increase efficiency, Amnesty International's research in Serbia shows how introducing automation into an already inadequate social security landscape exacerbates and entrenches existing flaws and structural discrimination.<sup>40</sup> The research highlights that the creation of the Social Card registry, a comprehensive centralized information system which uses automation to consolidate the personal and other data of applicants and recipients of social assistance from a range of official government databases, has resulted in flawed outcomes as it relies on inaccurate source data on the earnings and assets of recipients. It also found that the system is not designed to automatically update information on recipients whose circumstances have worsened so that they may receive enhanced social security benefits but appeared to prioritize tracking changes that could result in the loss or reduction of social assistance. In the absence of adequate safeguards these and other flaws have resulted in potentially thousands of the most marginalized people, such as Roma and people with disabilities, losing access to social assistance.

## KEY RECOMMENDATIONS

In light of the above-mentioned flaws and challenges that Amnesty International has documented, the organization highlights some key recommendations for states to implement in order to fulfil their obligations under the right to social security. All states should therefore:

- Establish social protection floors that are in line with ILO General Recommendation 202;
- Take steps to phase out narrow poverty targeting and progressively achieve universal and comprehensive social protection coverage that allows people to access their right to an adequate standard of living without discrimination;

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<sup>33</sup> Section 4 (1) stipulates “[i]n addition, social assistance may only be granted to permanently resident aliens who have actually and legally resided in Austria on a permanent basis for at least five years... Beneficiaries of subsidiary protection must only be granted core social assistance benefits that do not exceed the level of basic care support.” Basic care support is generally granted to asylum seekers. (unofficial translation)

<sup>34</sup> European Parliament, Policy Department, Precarious Employment in Europe: Patterns, Trends and Policy Strategies, 2016, p 20, [https://www.europarl.europa.eu/RegData/etudes/STUD/2016/587285/IPOL\\_STU\(2016\)587285\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2016/587285/IPOL_STU(2016)587285_EN.pdf)

<sup>35</sup> Amnesty International and the Finish League for Human Rights, “*I Live Under Constant Duress and in a State of Emergency*”: *Inadequate Social Security in Finland* (Index EUR 20/4804/2021), 31 August 2021, <https://www.amnesty.org/en/documents/eur20/4804/2021/en/>

<sup>36</sup> Perusturvan riittävyden arviointiraportti 2015-2019, THL, Working paper 6/2019 [https://www.julkari.fi/bitstream/handle/10024/137711/URN\\_ISBN\\_978-952-343-296-3.pdf?sequence=1&isAllowed=y](https://www.julkari.fi/bitstream/handle/10024/137711/URN_ISBN_978-952-343-296-3.pdf?sequence=1&isAllowed=y), p. 3.

<sup>37</sup> Finnish Ombudsman for Children, *Köyhyydellä ei leikitä - Lapsiasiainvaltuutetun vuosikirja 2018, 2018*, <https://lapsiasia.fi/documents/25250457/32008468/K%C3%B6yhyydell%C3%A4+ei+leikit%C3%A4.+Lapsiasiainvaltuutetun+vuosikirja+2018.pdf/6d9c6002-3361-b13e-a654-bc8a06f28250/K%C3%B6yhyydell%C3%A4+ei+leikit%C3%A4.+Lapsiasiainvaltuutetun+vuosikirja+2018.pdf?t=1601442541133>, p. 22.

<sup>38</sup> Amnesty International and the Finish League for Human Rights, “*I Live Under Constant Duress and in a State of Emergency*”: *Inadequate Social Security in Finland* (previously cited), p. 43.

<sup>39</sup> CESCR, *Concluding Observations on the Seventh Periodic Report of Finland*, 30 March 2021, UN Doc. E/C.12/FIN/CO/7, para 27-28.

<sup>40</sup> Amnesty International, *Trapped by Automation: Poverty and Discrimination in Serbia's Welfare State* (Index: EUR 70/7443/2023), 4 December 2023, <https://www.amnesty.org/en/latest/research/2023/12/trapped-by-automation-poverty-and-discrimination-in-serbias-welfare-state/>

- Conduct independent human rights impact assessments of social protection systems and any potential digital technological reforms prior to implementation, as well as follow up assessments to evaluate their application to ensure that they are grounded in equality and non-discrimination.
- Ensure that social security systems factor in and address the multiple and intersectional forms of discrimination that many groups including women, people with disabilities, older people, people living in poverty, people working in the informal sector, non-nationals, children and people belonging to racialized and otherwise minoritized communities face when trying to claim their human rights;
- Ensure that social security systems guarantee transparency and accountability – through accessible grievance redress and appeals processes; data protection through secure systems; and are in line with human rights standards on privacy; and
- Mobilize the maximum available resources including through progressive taxation and debt relief to fulfil the right to social security for all, and in line with the obligation of international cooperation and assistance, assist other states in need, with financial and technical support to realize the right to social security. This includes supporting the establishment of and funding a global fund for social protection.



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