

Submission to thematic report to the UN Human Rights Council “Social protection: a reality check”

[OHCHR | Social protection: a reality check](#)

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Act Church of Sweden defends people’s dignity and rights – through humanitarian and long-term development work, church collaboration, and advocacy. We work together with churches and actors from the civil society and belong to the ACT Alliance – Action by Churches Together. We have been working on issues related to social protection for the last decade.

Development Pathways is an international consultancy organisation offering advisory services to governments and international organisations, based on our wealth of expertise in the areas of social protection. Our mission is to provide creative, evidence-based and context-specific solutions to the social and economic challenges faced by nations and citizens around the world.

Thank you for the opportunity to provide input to this important thematic report. The following brief comment is based on research published by Act Church of Sweden and Development Pathways and relates to the following question in the call for submissions:

What obstacles prevent eligible individuals and households from accessing the benefits to which they are entitled?

1. A tenacious focus on targeting social protection to those most in need, instead of focusing on inclusive and progressively universal coverage.

States are obliged to guarantee the enjoyment of minimum essential levels of social rights, and should, hence “effectively realize the right to social security in a universal manner, particularly by ensuring minimum social protection floors to confront social risks and contingencies”.¹ Moreover, States must strive to do it in a socially just manner and with core human rights principles and obligations in mind.²

Extensive investments in social protection are made – often through the support of development partners – in poverty targeted programs, rather than universal/categorical programs in line with ILO Recommendation 202 on Social Protection Floors and binding universal human rights instruments. Through our research, we have found that the strategic approach to *target social protection to the “most vulnerable”* is an obstacle that prevents people from accessing the benefits to which they are entitled.

¹ (‘Principles for Human Rights in Fiscal Policy’ 2021).

https://derechosy politicafiscal.org/images/ASSETS/Principles_for_Human_Rights_in_Fiscal_Policy-ENG-VF-1.pdf

² (CESR 2020).

In the report *Hit and Miss: An assessment of targeting effectiveness in social protection (with additional analysis) updated version 2020*

(<https://www.svenskakyrkan.se/default.aspx?id=1909511>) we find that none of the targeting approaches (primarily proxy means tests and community targeting, or combinations thereof) have an acceptable level of accuracy, inevitably many eligible persons will be left behind. Our conclusion is based on a methodology that examines targeting effectiveness from the rights holders perspective – what is the probability that a person in a specific situation is correctly excluded or included in a programme?

Proponents of poverty targeting, however, measure targeting effectiveness “benefit incidence” which is an approach which examines effectiveness from the funding side – what is the probability that social protection programmes benefit people in e.g. the poorest 40 percent of a population. For example, a programme targeting 5 per cent of households may have 80 per cent of its recipients in the poorest 40 per cent of the population. This would be regarded as an excellent performance. Yet, at the same time, it is possible that no-one in the poorest 5 per cent of the population is able to access the scheme and, overall, 90 per cent of those in the poorest 40 per cent of the population would be excluded.

2. The problems and potential damage caused by the poverty targeting methods are multiplied by the extensive use of so-called social registries.

A better name for social registries would be ‘targeting databases’. In the report *Social registries: a short history of abject failure*.

([https://www.svenskakyrkan.se/filer/578537/Social-registries-a-short-history-of-abject-failure-June-1%20\(1\).pdf](https://www.svenskakyrkan.se/filer/578537/Social-registries-a-short-history-of-abject-failure-June-1%20(1).pdf)) social registries are examined further.

The World Bank is increasingly promoting social registries as a means of selecting recipients for a wide range of programmes, and they are today used in more than 20 countries. Global evidence, however, indicates that all social registries have failed in achieving their core purpose of accurately identifying the beneficiaries of social programmes. By using the same targeting methodology across a range of social programmes, social registries systematically exclude the majority of the poorest members of society from multiple schemes, causing significant harm.

A major failing of social registries is that they assume a static world in which households never, or hardly ever, change. Yet, in reality, households change rapidly over short periods of time. The assumption of unchanging households is one cause of the inaccuracy of social registries, given that data is rarely updated for many years. Other causes of inaccuracy are the high design errors when proxy means tests are used, the poor quality of social registry surveys and the falsification of information by respondents. In fact, the COVID-19 crisis has effectively blown apart the utility of all social registries, since relative household wellbeing across all societies has changed dramatically since early 2020. Any information collected by social registries before the pandemic is now virtually worthless.

The financial costs of social registries can be very high, which is one reason why information is updated infrequently. There are much better alternative uses for the funds that are wasted on social registries, such as building Single Registries – which allow governments to

monitor more effectively their national social protection systems – or providing identity, through birth certificates and identity cards, to all members of society. There are also ethical questions surrounding the capture by governments of vast amounts of information on their citizens which, in many cases, is not adequately protected

3. Limited fiscal space and fiscal austerity measures hamper the progressive realisation of the right to social security.

States have an obligation to fulfil rights (including that of social security), by adopting “the necessary proactive fiscal policy measures to ensure the full realization of human rights as expeditiously as possible” and “to finance the provision of universal public services essential for guaranteeing rights that are financially and geographically accessible, acceptable, and of good quality”.³ On the contrary, (and as the evidence around the pitfalls of poverty targeting above shows), basing social protection policy and programme design on the need to ration public funding (and external funding in some instances, including international financing institutions’ loans), can hamper the obligation by States to ensure universal access to social protection.

Austerity measures are both the responsibility of States, as well as international financial institutions that might impose restrictions that violate human rights.⁴ As there is a direct relationship between fiscal policy recommendations provided by international financial institutions and the insistence on fiscal austerity, in many instances leading to reduced investment in social protection, it has been suggested that governments should ensure:

*“that the right to social security is taken into account in their lending policies, credit agreements and other international measures. States parties should ensure that the policies and practices of international and regional financial institutions, in particular those concerning their role in structural adjustment and in the design and implementation of social security systems, promote and do not interfere with the right to social security”.*⁵

Lastly, from a human rights perspective international financing institutions “must refrain from designing, adopting, financing and implementing fiscal measures that directly or indirectly hinder or affect the enjoyment of human rights”.⁶ Fiscal policies should really be at the service of social rights (including the right to social security),⁷ instead of social rights being subdued to fiscal policy restraints, as Governments should prioritise and also strive to generate resources to make the fiscal space.

4. Fragmented social protection delivery: individual versus household benefits.

Another policy choice that can hamper rights holders’ enjoyment of the right to social security, is that of individual versus household benefits. Governments have choices on whether they provide benefits to individuals across their lifecycle to better address any shocks, risks and vulnerabilities they might face, versus poverty-targeted household schemes. Household

³ (‘Principles for Human Rights in Fiscal Policy’ 2021).

⁴ (‘Report of the Independent Expert on the Effects of Foreign Debt and Other Related International Financial Obligations of States on the Full Enjoyment of All Human Rights, Particularly Economic, Social and Cultural Rights’ 2019).

⁵ (General Comment No. 19: *The Right to Social Security (Art. 9 of the Covenant)* 2008).

⁶ (‘Principles for Human Rights in Fiscal Policy’ 2021).

⁷ (‘Principles for Human Rights in Fiscal Policy’ 2021)

benefits are usually paid to the head of household, hence impacting on household members differently due to unequal sharing of resources between members. Furthermore, as household targeting does not necessarily account for intra-household power dynamics or distribution of income, they could further deepen vulnerabilities. As right holders, individuals are all entitled to social protection to cover risks and vulnerabilities they might face throughout their lifecycle. Instead, individuals living in households that are receiving poverty targeted transfers might become ineligible for other individual lifecycle transfers.

5. Insisting on social protection instruments (including management information systems) that fall short on human rights considerations.

An overzealous focus on streamlining social protection investment towards only those that are perceived as “deserving” government support has led to the digitization of social protection that, in some instances, do not take into consideration human rights principles and/or obligations.⁸ Whilst this can be seen as a step towards more transparency and efficiency in terms of governance and/or social protection system administration, there are some concerns around how these efforts can hamper human rights when it comes to access to social protection. The right to social security also includes the right “to access and maintain benefits, whether in cash or in kind, without discrimination”⁹. However, the use of certain technological tools for social protection programmes “can make it impossible or very difficult for individuals to effectively access that right, thus making it effectively unaffordable.”¹⁰

The human rights principles and standards that relate to the practical implementation of social protection programmes and digital support tools are elaborated in the Development Pathways report *Why Are Human Rights Considerations Fundamental to Inclusive and Lifecycle Social Protection Systems* ([Pathways-Perspectives-Human-Rights-WEBSITE-2.pdf \(developmentpathways.co.uk\)](#)) The principles include the following:

Dignity and autonomy of individuals. Social protection support systems should not be based on [negative narratives around poverty](#) or mistaken assumptions around welfare dependency. In some instances, an exaggerated focus on determining individuals’ “deservingness” to benefits might result in policing the most vulnerable sectors of the population with broad assumptions around welfare fraud.¹¹ The same applies when the main focus is on efficient public spending and fiscal austerity measures that impact social protection investments, thus relying more heavily on [technological and technocratic tools to select “deserving” individuals](#) or households. However, “the trouble with this practice of hi-tech triage is that it treats social problems as if they are natural disasters — random, temporary, inevitable occurrences — obscuring the political choices that produce them.”¹²

Adaptability. Given that Governments must guarantee that social protection programmes, support systems, services, and materials are adapted to the needs of individuals, any instances of data capture and data storing should be culturally acceptable.

⁸ These human rights considerations have been adapted from [Barrantes \(2020\)](#).

⁹ Committee on Economic, Social and Cultural Rights, The Right to Social Security, General Comment No. 19 (2007), paragraphs 2, 24 and 27.

¹⁰ Id.

¹¹ [Barrantes \(2020\)](#).

¹² Eubanks, 2018. *Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor*.

Right to privacy and data protection. Social protection support tools and systems, including management information systems, must respect people's right to privacy and international standards around confidentiality when collecting, sharing, and storing information identifying programme beneficiaries. Technology applied to social protection programmes and /or systems, cannot be an excuse to apply intrusive scrutiny over those more vulnerable sectors in breach of their right to privacy.

Transparency and access to information. Social protection systems for beneficiary databases, should ensure transparent and comprehensive access to information. In addition, all communications on programme/service design and delivery should be made available and be accessible. This of course also applies to information on how beneficiary data gathering and storage is being conducted and made available, as well as how different algorithms and data are being used by social protection agencies or implementing partners.

Participation. Meaningful participation processes into social protection systems design and implementation should be undertaken with beneficiaries and potential beneficiaries.