



Dialogue on
Globalization

CONFERENCE REPORT
FES GENEVA

**7th Roundtable meeting of
the ILO Committee of Experts,
the UN Committee on Economic, Social and
Cultural Rights, and the
European Committee of Social Rights on**

***Social Security, Social Assistance
and Protection against Poverty***

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On 26 November 2009, FES hosted the 7th roundtable meeting between the ILO Committee of Experts on the Application of Conventions and Recommendation and the UN Committee on Economic, Social and Cultural Rights, this time with an additional guest, representing the European Committee of Social Rights.

The ILO Committee of Experts on the Application of Conventions and Recommendation (CEACR), the UN Committee on Economic, Social and Cultural Rights (CESCR), and the European Committee of Social Rights (ECSR) have all paid particular attention to the right to social security within their respective mandates.

The CESCR, on its part, has issued a General Comment on the right to social security in 2008. The ESCR has just concluded the reporting cycle on the related provisions of the European Social Charter (arts. 12, 13 and 30) and issues conclusions to the States concerned. On the other hand, the CEACR has included in its 2008 general report a chapter on social security in times of global financial crisis. A general survey on security will be issued by the CEACR in 2010. A “trilateral” exchange between the committees on the theme “*Social security, social assistance and protection against poverty*” provided an opportunity to share experiences with a view to promoting coherent and mutually reinforcing approaches in promoting social security for all. The event was held as an evening seminar, consisting of two hours of presentations and debate, followed by a working dinner, broken up into smaller discussion rounds.

The presentations leading into the evening seminar set the stage for discussion, highlighting the perspectives of the three Committees and the corresponding organizations. Leitmotif was the fact that the topic of social security, more than any other reflected the interrelation and complementarity of the three committees. While the CESCR considers social security from a human rights perspective – as a right of an individual – the CEACR (and with it the ILO) follows another way: ILO Conventions regard social security as a state obligation, not an individual right. But those differences in perspective do not hinder one congruent approach; they rather highlight that there are several ways to strengthen the issue, each one guided by the Standards each Committee has set in its own frame of reference. In a way, addressing this particularity was seen as a new field of “international comparative law” offering already the insight that state

obligations are always present, no matter from which side the issue is addressed.

As further difference between the approaches of the two committees their specificity was named: while the ILO system is very detailed, the UN human rights approach was much broader. Yet, in reality they came closer again, as the CEACR deduces generalities from the Conventions, while the CESCR fleshes out the meaning of the rights via its General Comments.

A **common basis** for their work on social security could be the concept of a **social floor** which encompasses a basic set of social security benefits that should be a core obligation of states to provide as a universal right to their entire populations (access to medical care – child support – income security for working age – pensions). It was stressed that fiscal space for social security was a policy choice and “Most countries could

afford, it's political will." Of course, this entailed also fiscal transparency...

This basic concept is needed, even if not far reaching, in order to make social security a right which can be globally implemented. The social floor concept applies to all countries at all levels of economic development and has been accepted by all (tripartite) stakeholders of the ILO. Yet, it has not been transferred into a binding instrument and thus lacks implementation.

More difficulties in reaching a mutual understanding among the ILO stakeholders were encountered in the tripartite discussion on social assistance; the CEACR on the other hand arrived at the conclusion that social assistance was part of social security – thus a right - but that the concrete level of assistance had to be decided by the state.

The **European experience** presented went beyond this debate: According to the ECSR, a social security system has to a) cover traditional risks (based on the ILO definition), b) be collectively financed (tripartite) and c) – cover a significant proportion of the population. Benefits have to be adequate (40% of median income or a certain percentage of previous income), and ensure equal treatment of all residents, whether nationals or foreigners. Social security includes social and medical assistance: here too, social assistance as individual right (with access to appeal) needs to be provided to all persons, regardless of their legal status. This is far above the consensus on the global level as laid out by the ILO, which sees the definition of a minimum level differently: a minimum obligation should prevent falling into poverty, thus be aligned with the national poverty line.

The major **upcoming activity at ILO** concerning social security is a General Survey which will be carried out by CEACR until 2010

based on Conventions 102 and 168 and Recommendation 67 and 68. The General Survey itself will in turn be the foundation for further engagement. Its structure is threefold: Firstly, on the basis of reporting by member states, it focuses on national social security legislation recognizing also that financing, while so far not prominent in ILO Conventions is essential. Another leading question on the national level will be who is protected and who is not. Secondly it will link social security and decent work. Keywords in that section are equality, non-discrimination, coverage of families, coordination of social security and employment policy and the role of partners and the social dialog in agreeing on national legislation. Thirdly it will monitor the impact of ILO conventions and deal with the question of ratification: Why did states not ratify? Are they still complying? Which technical support would be needed? The problem concerning the data for this survey is the current reply rate and global reach: at the time of the meeting, this survey had received 41 state replies, yet, 30 of them coming from Europe.

General **shortcomings in ILO approach** on social security were also identified, mainly from the human rights perspective. ILO had left out those who are not involved in any kind of work (or dependant on workers). Members of both Committees agreed that this income relation needs to be overcome when dealing with social security. There is a need to go from an employment based approach to a human centered approach. This might also address a second problem: since the ILO focus is on state obligation – how could one monitor state compliance when social security becomes privatized?

Conclusion

Members of both Committees felt that their work can be most effective if coherent and complementary. Various areas of **mutual**

reinforcement were mentioned that are already in place. Most prominently among those are the concrete references to each other's work and the call on State parties, to respect and implement standards of the other body. The CESCR e.g. in its revised reporting guidelines (2008) asks in the area of social security that States party to the ICESCR ratify ILO Convention 102, implement the 9 listed branches of social security as defined by the ILO, address marginalization of women within social security systems and, if necessary, undertake reforms of social security legislation.

The CEACR in turn makes references to human rights standards and the General Comments by CESCR.

Not least through this influence, it is now extending its reach beyond the restricted sphere of (formal) workers, while of course still being restricted to labor Conventions.

Aside of this, members of both Committees during the debate addressed possibilities for national implementation of social security programs and the issue of problems of acceptance by the population. They also stated that notwithstanding collaboration among organizations, the continuing use of differing terminology (social security, social safety net, social assistance) posed a problem to unified perception – which stressed the need for an interdisciplinary and inter-institutional approach FES aims to strengthen via those roundtable sessions.

About the author:

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