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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development

## Summary of the intersessional full-day panel discussion on the right to social security in the changing world of work

### Report of the United Nations High Commissioner for Human Rights\*

#### *Summary*

The present report, submitted pursuant to Human Rights Council resolution 42/13 and decision 45/113, contains a summary of the intersessional panel discussion on the right to social security in the changing world of work, held on 1 November 2021. The panel discussion focused on how the normative content of the right to social security and the corresponding human rights obligations of States can guide policymaking in the area of social protection. The panel provided an opportunity for States and relevant stakeholders to learn from shared experiences and best practices on strengthening the protection of the right to social security. States, rights holders and other stakeholders identified the need for further engagement and opportunities for technical assistance and cooperation in this area.

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\* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitters' control.



## I. Introduction

1. In its resolution 42/13, the Human Rights Council decided to convene, before its forty-fifth session, an intersessional full-day panel discussion on the right to social security in the changing world of work, with a view to identifying challenges and best practices. The Council requested the United Nations High Commissioner for Human Rights to prepare a summary report on the intersessional panel discussion for submission at its forty-sixth session. The Council further decided, in its decision 45/113, to postpone the panel discussion, which would instead be held before the forty-eighth session, and to request the submission of the related report to the forty-ninth session, owing to the liquidity crisis affecting the United Nations Secretariat and the restrictions imposed due to the coronavirus disease (COVID-19) pandemic.

2. Pursuant to the above-mentioned decision, and taking further into account the availability of conference services, the Human Rights Council held the intersessional panel discussion on 1 November 2021. The Vice-President of the Human Rights Council, Keva L. Bain, chaired the panel discussion. The United Nations High Commissioner for Human Rights, Michelle Bachelet, delivered an opening statement. The panel was moderated by the Chief of the Development, Economic and Social Issues Branch of the Office of the United Nations High Commissioner for Human Rights (OHCHR), Todd Howland; and the Officer-in-Charge of the Economic, Social and Cultural Rights Section of OHCHR, Rio Hada.

3. The following panellists took part in the discussion: the Disability-Inclusive Social Protection Lead at International Disability Alliance, Alradi Abdalla; the Chair of the Committee of Economic, Social and Cultural Rights, Mohamed Abdel-Moneim; the General Secretary of the International Trade Union Confederation, Sharan Burrow; the Director of Programme of the Center for Economic and Social Rights, Kate Donald; the Programme Specialist, Economic Empowerment and Statistics, at the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), Isiuwa Iyahan; the Director of the Platform for International Cooperation on Undocumented Migrants, Michele LeVoy; the Deputy Director of the Social Protection Programme at “Women in Informal Employment: Globalizing and Organizing”, Rachel Moussié; the Minister of Labour, Industrial Relations and Employment Creation of Namibia, Utoni Nujoma; the Director of the Global Social Justice Programme of the Initiative for Policy Dialogue at Columbia University, Isabel Ortiz; the Special Rapporteur on the rights of persons with disabilities, Gerard Quinn; the Director of the Social Protection Department of the International Labour Organization (ILO), Shahra Razavi; and European Youth Forum board member, María Rodríguez Alcázar.

4. The panellists’ presentations were followed by a debate chaired by Ms. Bain. Representatives from the following States made statements: Argentina, Australia, China, Cuba, Egypt, Finland, India, Indonesia, Iran (Islamic Republic of), Morocco, South Africa, the United States of America and Venezuela (Bolivarian Republic of). The following non-governmental organizations (NGOs) also participated: International Human Rights Council, International Movement ATD Fourth World and Make Mothers Matter.

5. The full-day panel discussion consisted of four sessions, each of which addressed different dimensions of the right to social security. Session one focused on the right to social security in the context of the changing world of work; session two dealt with substantive equality and non-discrimination; session three examined the fiscal space for social protection and States’ human rights obligations; and session four discussed the right to social security in the context of the COVID-19 recovery.

## II. Background

6. The right to social security is recognized in numerous human rights instruments,<sup>1</sup> including the Universal Declaration of Human Rights (art. 22) and the International Covenant

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<sup>1</sup> The Convention on the Elimination of All Forms of Discrimination against Women enshrines the right to social security for women, especially in cases of retirement, unemployment, sickness,

on Economic, Social and Cultural Rights (arts. 9 and 10). According to general comment No. 19 (2007) on the right to social security of the Committee on Economic, Social and Cultural Rights, social security is of central importance in guaranteeing human dignity for all. It is aimed at providing income security and support for all people across their life cycle, with particular attention to the most disadvantaged and marginalized groups. 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; or (c) insufficient family support, particularly for children and adult dependants.

7. Despite progress made to extend social protection in many parts of the world, the human right to social security is not yet a reality for the majority of the world's population. The COVID-19 crisis has made realizing this right even more pressing and urgent. The pandemic has exposed the weaknesses of a social and economic system that has neglected to invest sufficiently in rights such as social protection and health care, revealing gaps in coverage, highlighting the inadequacy of social protection benefits and exacerbating deep-seated inequalities. To build forward better from the pandemic, it is essential that countries pursue a robust, rights-based social protection strategy to secure a human-centred recovery and an inclusive future.

8. The panel discussion examined ways in which the normative content of the right to social security and the corresponding human rights obligations of States can serve to guide policymaking in the area of social protection at national and international levels. It provided an opportunity for States and relevant stakeholders to learn from shared experiences and best practices on strengthening the protection of the right to social security. A diverse group of States spoke favourably about the right to social security and the need to make that right a reality for all. States, rights holders and other stakeholders identified the need for further engagement and opportunities for technical assistance and cooperation.

### III. Summary of the panel discussion

#### A. High-level opening

9. In her opening remarks,<sup>2</sup> the High Commissioner said that social security facilitated access to health care, protected people against poverty and ensured the enjoyment of basic economic and social rights, including food, water, housing, health and education. The impact of the current pandemic, and the changing world of work, had made it a matter of utmost urgency to realize the right to social security.

10. She noted efforts made by States to extend social protection coverage in response to the COVID-19 pandemic, and observed that countries, such as Finland, Malawi, Peru, the Philippines and the United States, had extended social protection coverage to those typically excluded, such as informal workers, freelancers and the self-employed, including those working in the gig economy. She welcomed the structural changes made to mobilize domestic resources, including the introduction of more progressive taxation systems, as had been adopted in Argentina and Bolivia (Plurinational State of), to create a wider fiscal space for social protection.

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invalidity, old age or other incapacity (art. 11). The Convention on the Rights of the Child recognizes the right of the child to social security and social insurance (art. 26). 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 (art. 27). The Convention on the Rights of Persons with Disabilities reaffirms the right of persons with disabilities to social protection without discrimination on the basis of disability and enumerates steps to be taken by States parties to safeguard and promote the realization of that right (art. 28).

<sup>2</sup> The text of the statement is available from:  
[www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27739](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27739).

11. The High Commissioner stressed that a lot more needed to be done to make the right to social security a reality for all. Renewing solidarity – within every society and between nations – was a cornerstone of the report of the Secretary-General entitled “Our Common Agenda”,<sup>3</sup> in which he called for a renewed social contract and a global new deal to combat inequality and recover better from the pandemic. She emphasized that the content of the right to social security should serve to guide States in designing comprehensive social protection systems, thus helping them to move from temporary and ad hoc measures to longer-term policies.

12. Lastly, she underscored the fact that all States had the capacity to do more and reiterated the crucial role of international cooperation in assisting less-developed countries to step up their social protection systems to the benefit of all.

## **B. Session one: the human right to social security and the changing world of work**

13. In her presentation, Ms. Razavi said that, despite the strong normative framework underlying the right to social security, as well as strong evidence showing how social protection reduced inequality, more than 50 per cent of the global population was deprived of their human right to social security. There were three main impediments attributed to that gap. The first was labour market informality, which was the result of ill-adapted labour laws that had, in many countries, served to exclude the vast majority of the working population from labour and social protection; the second was the growth of so-called flexible, temporary and informal forms of work; and the third was the myth that countries either did or did not have fiscal space, which ignored the historical fact that existing welfare systems in Europe had been built at a time when the income of those countries had been at the same or even lower levels than that of many developing countries currently.

14. Ms. Razavi called upon States to reverse those trends by adapting the necessary legal frameworks on labour, including minimum wages and working conditions; facilitating the formalization of the economy; and extending social protection to the diverse groups working in the informal economy. She encouraged States to improve equity in tax collection, building on the principle of solidarity to ensure resources would be raised fairly and without placing undue burden on those with limited means. Lastly, she emphasized that the COVID-19 crisis had served to demonstrate the important role of the State in re-establishing the social contract through implementing safeguards against the misuse of power, such as accessible and efficient complaint and appeal procedures.

15. Ms. Burrow said that she wished to highlight the dire situation of the 1.6 billion workers in the informal economy who lacked any social protection, as well as of those workers who had some form of employment contract but limited access to social protection, all of whom were vulnerable to economic, climate and other shocks. A new social contract with decent work and universal social protection at its core, built on solidarity and the sharing of wealth, was key to equality and inclusive growth. She underscored the importance of comprehensive systems built on international labour standards, especially ILO Social Protection Floors Recommendation, 2012 (No. 202), that were focused on income support and access to freely available health, education and other forms of care. Such protection was affordable for States, and research demonstrated that investments in social protection led to a return of up to 1.9 per cent. She called upon countries to develop their own action plans on extending social protection coverage, including details of the funding required and the support needed, based on social dialogue between Governments, workers and employers. She commended the proposal to establish a global social protection fund as an indispensable initiative to support developing countries. Lastly, she emphasized that the focus on social protection by the Human Rights Council had the potential to drive enhanced international cooperation on what was a crucial issue.

16. Mr. Abdel-Moneim highlighted the importance of the right to social security and outlined the international human rights legal framework underpinning social protection. He

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<sup>3</sup> [A/75/982](#).

recalled that, under article 22 of the Universal Declaration of Human Rights, everyone, as a member of society, had the right to social security and was entitled to the realization of such right through national efforts and international cooperation. In addition, pursuant to article 9 of the International Covenant on Economic, Social and Cultural Rights, everyone had the right to social security, including social insurance. General comment No. 19 (2007) on the right to social security of the Committee on Economic, Social and Cultural Rights had made an invaluable contribution to further developing the normative content of that right. He emphasized that the right to social security required States to use indicators and national benchmarks to help monitor their implementation of the right. Lastly, it was important to ensure the progressive realization of the right, beyond the minimum essential levels, as had been highlighted by the Committee.

17. In the discussion that followed, representatives of States noted that the pandemic had reaffirmed the value of social protection and brought to light the fact that social protection systems globally had been underfunded. A number of challenges were identified, including the changing world of work. New technologies had created opportunities for skilled employment but had also eliminated jobs with more routine functions, disproportionately affecting vulnerable and marginalized members of society. Several representatives, including the representative of the Islamic Republic of Iran, also underscored how economic sanctions were undermining their countries' ability to uphold the right to social security of their populations.

18. Participants shared examples of how they had extended social security coverage to people under their jurisdiction. The representative of the United States drew attention to her country's health-care programmes – Medicare and Medicaid – and various other social support and human service programmes for children, low-income households and older persons. The delegate of South Africa highlighted her country's constitutional mandate to promote social and economic justice; the justiciability of economic, social and cultural rights; and its comprehensive social assistance programme. She also emphasized other publicly funded services, such as compulsory primary education, health care, housing, basic services, public works, support for micro and small enterprises, and a progressive redistributive taxation system.

19. The representative of the Bolivarian Republic of Venezuela said that, pursuant to his country's Constitution, all persons were entitled to social security to guarantee their health and protection in the event of maternity, paternity, illness, disability, old age, and housing needs, among other social welfare circumstances. In 2011, the Government had launched a social pension for older persons based on the minimum wage.

20. The delegate of India highlighted her country's flagship programmes on universal social security and universal health and drew attention to challenges in ensuring social security for migrants. While the Government had entered into bilateral social security agreements to protect the interests of Indian professionals working abroad, such bilateral agreements were limited in scope. India was thus working with ILO and the International Organization for Migration to promote the wider ratification of the relevant conventions.

21. Several speakers also gave an account of the steps that had been taken by their Governments in response to the COVID-19 pandemic. The representative of Morocco emphasized the measures being taken to prioritize universal social coverage through compulsory health insurance, to grant family allowances to all households and to provide social pensions and compensation for loss of employment for the working population. The delegate of Cuba explained that, since the pandemic, her Government had increased wage guarantees for women caring for children and older persons and for persons with health conditions, and maintained pension payments.

22. The representative of Egypt explained that, under his country's Constitution, the right of every citizen to social security was guaranteed in cases of disability, old age and unemployment. Under national law, the State was obliged to provide an appropriate pension for small-scale farmers, agricultural workers, fishers and informal workers. The Government of Egypt had responded to the current pandemic by including 411,000 new families in a conditional monetary support programme, by providing grants for informal workers and by establishing an emergency subsidy fund to pay workers whose wages had been suspended

because of the pandemic. Since the Government had started its economic reform programme, spending on social protection programmes had increased, especially over the past five years.

23. In her concluding remarks, Ms. Razavi expressed her appreciation for the progress made by States in extending the right to social security. Mr. Abdel-Moneim underscored the importance of a comprehensive legal framework at the global level and the need to improve current monitoring mechanisms.

### **C. Session two: promoting substantive equality and non-discrimination in the enjoyment of the right to social security**

24. In his presentation, Mr. Nujoma said that, while Namibia had contributory programmes – such as maternity benefits, sick pay, retirement, disability and death benefits, and employees’ compensation benefits – and non-contributory programmes – such as old-age pensions, disability grants, maintenance, foster care grants, and war veterans’ grants – reaching the informal sector remained a significant challenge.

25. To improve inclusivity, in 2016, Namibia had undertaken a research study on the characteristics of the informal sector and developed a strategic initiative to help expand social security benefits to those in the informal sector, including by identifying necessary legal and policy reforms. The Government was finalizing the design of the Social Security National Pension Fund as a vehicle to provide pension coverage for all working Namibians. Moreover, in response to the COVID-19 pandemic, the Social Security Commission had invested 22.1 million Namibian dollars in wage subsidies and assistance for those in the informal sector. Lastly, he called upon States to promote decent jobs and social protection aimed at poverty eradication and sustainable recovery, as part of efforts to build back better.

26. Mr. Abdalla highlighted the importance of social protection for persons with disabilities, given the barriers that they encountered in accessing education, decent jobs and livelihood opportunities with fair remuneration. Persons with disabilities often had additional living costs related to their disability, such as purchasing wheelchairs and assistive devices and paying for support persons, care services and accessible transportation. Unless those extra costs were also covered by social protection programmes, persons with disabilities risked falling into poverty, being excluded from participation in public life and being dependent on others.

27. In the light of the additional obstacles they faced, it was important to ensure that persons with disabilities were able to access both basic income security schemes and disability-related cost schemes without conditions. Positive examples included a universal subsidy scheme for assistive devices in the Sudan, with financial support being provided by the Government and the International Committee of the Red Cross. Despite some challenges, the scheme had helped to foster the participation and independence of persons with disabilities.

28. Ms. Rodríguez Alcázar said that, despite representing almost 20 per cent of the world’s population, young people were rarely given a seat at the table to discuss anything beyond youth policy. In developing countries, children and young people were most at risk of poverty and social exclusion. Many experienced an endless cycle of internships, temporary or unpaid work, and non-standard forms of work. They also faced reduced social protection coverage, as some States required young people to have worked for at least a year before they could gain access to unemployment benefits or had implemented minimum age requirements. In some cases, those gaps prevented young people from contributing to the pension system until they reached 30 years of age, which undermined the sustainability of social-welfare systems.

29. With that in mind, Ms. Rodríguez Alcázar called upon States to shift the focus of welfare systems from tackling unemployment to combating poverty and social exclusion. Such an approach included ending age-based discrimination in access to social assistance so as to ensure better coverage for youth, particularly for those most vulnerable to social exclusion and poverty. It was crucial to ensure that all young people, regardless of their employment status, had equal access to social protection and income support, and to remove

age-based eligibility that excluded many young people from being able to access social protection benefits. Lastly, she stressed the urgent need to tackle tax avoidance as a means of raising funds for social welfare and social protection systems.

30. In her presentation, Ms. LeVoy, said that she wished to highlight the difficult situation faced by undocumented migrants. Having an irregular migration status not only increased their risk of poverty and social exclusion, but also limited their access to benefits and support systems. Undocumented migrants often worked in the informal sector, meaning that they were disproportionately affected by the COVID-19 pandemic and were even more dependent on informal support networks. There had, nevertheless, been some promising developments in States such as Belgium, France, Italy, Portugal, Spain and Sweden, where undocumented migrants were able to gain access to the national health systems for preventative and curative care. For example, in Ireland, in response to the pandemic, undocumented migrants had been granted full access to social welfare and health care, and the Government had guaranteed that data would not be shared between service providers and immigration officials during the pandemic. In Switzerland, in the canton of Geneva, wage subsidies had been extended to precarious workers who had lost their jobs during the first wave of the pandemic, which explicitly included undocumented workers. In 2020, the Dutch Ministry of Health had ensured that all people, irrespective of their migration status, had access to shelter. Lastly, Ms. LeVoy underscored that fostering an inclusive society based on well-being, safety, rights, health and justice should always take priority over immigration concerns.

31. In the debate that followed, representatives of States discussed how their respective social protection systems were promoting and ensuring substantive equality and non-discrimination. The delegate of Finland highlighted the fact that, under her country's Constitution, everyone was entitled to social security. In addition, the system was tailored to the needs that different individuals faced throughout their lives. As a result, the social security system was able to react flexibly to the new world of work and to the challenges posed by the COVID-19 pandemic. The representative of South Africa recalled that the first democratically elected Government of South Africa had inherited a racially divided society in which over half of the black majority population was defined as poor, and a racially segregated wealth system that provided expansive social services and benefits to whites. For that reason, she stressed the need to continually assess whether the social protection system promoted substantive equality and non-discrimination.

32. The representative of the Bolivarian Republic of Venezuela said that his country's Constitution enshrined the right to equality and non-discrimination for men and women at work, and guaranteed access to social security for all, including homemakers. The Government also applied affirmative action measures for vulnerable persons or groups that had faced discrimination or been marginalized. The delegate of China drew attention to his country's social protection system, which comprised a basic pension scheme covering over 1 billion people and a basic medical insurance covering over 1.3 billion people.

33. Moving forward, the delegate of Finland emphasized that the work of the international human rights treaty bodies could help in guiding social security reforms to ensure that everyone was covered in the new world of work. It was suggested that the Human Rights Council, OHCHR and other multilateral human rights bodies should increase their focus on social security. The representative of China called upon multilateral human rights bodies, such as the Human Rights Council and OHCHR, to pay more attention to the issue of social security and to take concrete actions.

34. The delegate of Australia stressed the unique social security needs of persons with disabilities, emphasizing that, globally, too many persons with disabilities did not receive the personal, social, economic or therapeutic supports required to maximize their potential to participate as equal members of society. States were invited to develop better, more inclusive systems for the future, including by involving persons with disabilities and their representative organizations in the design, development and implementation of social security systems. Moreover, policies should be guided by the general principle that persons with disabilities were the most knowledgeable about how their needs could be met.

35. A representative of the NGO International Human Rights Council said that there was a need to redefine the concepts and foundations on which the social contract was based and

to adopt economic policies that promoted fair job opportunities and a comprehensive social protection system based on social justice.

36. In her concluding remarks, Ms. LeVoy noted that an important body of evidence had been generated under the human rights framework on the need to ensure the rights of undocumented migrants. She welcomed the fact that a number of promising practices were being taken, especially in the European Union, to regularize the status of undocumented migrants and to provide more regular pathways of migration with decent work. Mr. Abdalla reiterated the need to consult persons with disabilities and their representative organizations when designing and implementing social protection schemes. Ms. Rodríguez Alcázar called upon Governments to protect young people's right to social security as a vital social investment and to remove age-based discrimination criteria. She noted with concern that, unless action was taken to make social protection systems inclusive for young people, there was a risk that the cycle of inequality would be perpetuated for generations.

#### **D. Session three: fiscal space for social protection and States' human rights obligations**

37. Ms. Donald said that the growing recognition of human rights obligations was an essential lens through which fiscal policy should be examined. In that connection, she highlighted the work of the Committee on Economic, Social and Cultural Rights and the special procedures of the Human Rights Council, as well as the consolidation of human rights law into the "Principles for Human Rights in Fiscal Policy"<sup>4</sup> that had been developed by the Center for Economic and Social Rights. She also recalled that the High Commissioner for Human Rights had recently called for a shift towards a human-rights-enhancing economy.

38. She cautioned against applying an "efficiency" lens to social security, as such an approach often resulted in narrow targeting and large exclusion errors, as well as fiscal consolidation and cuts in social spending. Under human rights law, including article 2 of the International Covenant on Economic, Social and Cultural Rights, States were called upon to use the "maximum of [their] available resources" to finance goods, services and infrastructure, including comprehensive social protection schemes, with a view to achieving the progressive realization of economic, social and cultural rights. She emphasized that Governments needed to mobilize their resources in a fair and socially equitable manner, while paying attention to who was "footing the bill" and how more resources could be raised from those who could afford to pay. In that regard, the Committee on Economic, Social and Cultural Rights had made a number of pertinent recommendations, such as on introducing more progressive taxation and curbing tax abuses by multinational corporations. Ms. Donald also noted that, according to experts, even a moderate wealth tax could raise 1.5–3.5 per cent of gross domestic product in some countries, which, in some cases, could be enough to cover up to 60 per cent of social protection expenditure. Lastly, she emphasized the obligation of States to cooperate internationally and to ensure that their actions and conduct did not harm people, such as by constraining the fiscal space of poorer countries through the application of unfair rules, regimes or agreements.

39. In her presentation, Ms. Ortiz drew attention to financing options that existed in virtually all countries to fund social protection systems, including by reallocating public expenditures to social protection; increasing tax revenues through progressive taxation and exploring different sources, such as income or wealth taxes, corporate profits and financial activities; expanding social security coverage and contributory revenues, including by encouraging the formalization of the informal economy; seeking increased aid and transfers, including through a proposed global fund for social protection; fighting illicit financial flows; tapping into fiscal and central bank foreign exchange reserves; restructuring existing debt or exploring low-cost borrowing options; and adopting a more accommodative macroeconomic

<sup>4</sup> Available at [www.cesr.org/principles-human-rights-fiscal-policy/#:~:text=The%20Principles%20for%20Human%20Rights,and%20assessment%20of%20fiscal%20policies](http://www.cesr.org/principles-human-rights-fiscal-policy/#:~:text=The%20Principles%20for%20Human%20Rights,and%20assessment%20of%20fiscal%20policies).



framework that allowed for higher budget deficit paths and higher levels of inflation without jeopardizing macroeconomic stability.

40. Ms. Ortiz highlighted the fact that budget decisions were often made behind closed doors in finance ministries. Although the advice of international financial institutions was taken into account, adequate consideration was not given to the distributional impacts of those decisions, particularly on people living in poverty. She called upon States to ensure that all possible fiscal options were fully explored and their social impacts examined, with a view to identifying a set of alternative policy options through open, national social dialogues in order to achieve positive human rights outcomes.

41. In the ensuing discussion, the delegate of South Africa drew attention to the structural barriers that many developing countries faced in extending coverage and financing social security systems, such as low levels of economic development, high levels of foreign debt, high levels of informality, low contributory capacity, poverty, and unemployment. For that reason, stronger international solidarity through enhanced cooperation was needed with regard to international trade and investment, the alleviation and restructuring of external debt, and the elimination of illicit financial flows and tax evasion. It was also important to strengthen commitments to honour official development assistance targets. The representative of Indonesia noted that the COVID 19 pandemic had created more uncertainty and an uneven global economic recovery.

42. Participants asked how countries could invest in social security with limited fiscal space and competing priorities and what measures the Human Rights Council should take to address the global and domestic uncertainties that might put at risk future economic growth.

43. In response, Ms. Ortiz reiterated the importance of having open national dialogues on budgetary issues and the need to ensure that decisions were not made behind closed doors by technocrats. States should consider all options for carving out more fiscal space and conduct human rights impact assessments when deciding on the way forward. Similarly, Ms. Donald emphasized that all countries had the potential to expand their fiscal space through efficient and progressive taxation targeting the well-off and multinational corporations. At the same time, there were constraints that needed to be addressed through international solidarity; high-income countries needed to do more in that respect. She also highlighted the usefulness of the recommendations of the human rights treaty bodies and special procedures, as well as the work of NGOs in developing guidance and recommendations on how to expand the fiscal space in an equitable manner.

## **E. Session four: the right to social security at the heart of the new social contract**

44. Ms. Moussié described possible policy solutions for extending social protection to workers in the informal economy and stressed that women often had the lowest paid and most insecure forms of employment. Moreover, women's overrepresentation in the informal sector might be further exacerbated by their migration status, disability, age, race, ethnicity, religious or other identities. To help prevent their exclusion, and as part of the new social contract, policy recommendations should be centred around three key areas: representation, recognition and redistribution. Representation required that women workers in the informal economy were counted and represented "at the table" where social security measures were designed, implemented and monitored. Recognition called for policies recognizing all the work performed by women, including paid and unpaid work in the informal and formal economy, and unpaid care work at home and in the community. Social protection measures, such as universal child and maternity cash benefits, school meals, universal social pensions and free and quality public care services, could help to reduce and redistribute women's unequal share of unpaid care work, thereby giving them more time to engage in paid work.

45. Lastly, redistribution required a fairer distribution of wealth and resources through social protection systems based on social solidarity and collective financing. It should be recognized that women's paid and unpaid care work was filling gaps in the social protection systems. For self-employed workers on low and irregular incomes, Ms. Moussié suggested that their contributions to social insurance schemes should be partially or fully subsidized by

the State or employers in the formal economy, who profited from their work. Lastly, she called for a stronger mandate and expanded work scope for OHCHR to address the social protection coverage gaps faced by women and men working in the informal economy.

46. Mr. Quinn said that the existing social model had reached its limits, as it assumed that active participation in the labour market would enable citizens to meet their basic needs in a web of market-based transactions. That model ignored the real structural inequalities that many groups faced in the labour market, including persons with disabilities. He stressed that persons with disabilities were often not viewed as “active economic citizens”, but rather as passive recipients of assistance, assumed to be “market-inactive” and incapable of meeting their own needs without assistance.

47. Mr. Quinn called for social security systems to be based on a philosophy of social inclusion. Social investment was not just a function of economic development but a precondition for its long-term success. Social security should therefore go beyond compensating for absences from the job market; for persons with disabilities, it should be anchored in, and focused on enabling, their autonomy and agency. He reiterated that social protection measures should be designed to support the active citizenship of persons with disabilities, as required under article 19 of the Convention on the Rights of Persons with Disabilities, in which the right to live independently and be included in the community was enshrined.

48. Ms. Iyehen said that the COVID-19 pandemic had increased the gender divide in the countries of the Caribbean owing to rising demand for unpaid care work and women’s overrepresentation in sectors hardest hit by the pandemic, such as tourism, wholesale and retail services and sales work. Many working mothers had dropped out of the labour force altogether owing to prolonged double and triple burdens of care work. As a result, gender-responsive social protection was critical to address entrenched gender inequalities and norms. Positive examples of efforts made in the Caribbean included a study on the potential economic benefits of universal quality childcare in Barbados and an assessment of budgets and fiscal space carried out in Saint Lucia to increase spending on universal access to childcare services. A pilot project had also been conducted in Saint Lucia, with the Government providing cash support to 25 beneficiaries (single women-headed households with children) for childcare, housing and livelihood support, technical and vocational education, numeracy and literacy assistance, and psychosocial support.

49. Lastly, Ms. Iyehen highlighted a number of priorities for ensuring gender-responsive social protection, such as family-friendly employment policies, including paid parental leave and flexible working arrangements; gender-responsive active labour market policies, including training and job placement programmes, adult education and employment subsidies; public investments to close gaps in affordable childcare; efforts to strengthen the registration and advance the long-term inclusion of informal workers, including domestic workers, into social protection systems; and improving links and referrals between services for women victims of gender-based violence and ensuring access to social protection.

50. In the discussion that followed, representatives of States highlighted the need for change, calling for universal social security as established in ILO standards and recommendations. The delegate of Argentina called on States to focus on achieving social inclusion and dignity for workers through tripartite systems and social dialogue. The representative of South Africa urged countries to ensure that social protection was gender responsive and to address women’s unequal burden of unpaid care work, thereby ensuring that no one was left behind and enabling everyone to participate in society, as foreseen by the 2030 Agenda for Sustainable Development.

51. A representative of the NGO Make Mothers Matter emphasized that, as part of a new social contract, unpaid care work must be recognized as essential work, since it sustained the economy and benefited society as a whole. Supporting unpaid care work through social protection was both a collective responsibility and an investment. A representative of the NGO International Movement ATD Fourth World said that his organization had carried out a pilot project in Haiti, developed in cooperation with local communities. It had helped the poorest families in Port-au-Prince to gain access to basic social security programmes. In view of the project’s success, he urged States to involve people in the development,

implementation and evaluation of social protection policies to reach the poorest and ensure sustainable access to services for all, and to create processes that could build on small-scale experiences and integrate them into national systems.

52. In their concluding remarks, the panellists emphasized the need for a paradigm shift. Ms. LeVoy said that the social protection gaps faced by informal workers, such as food vendors and waste-pickers, as well as unpaid care givers – all of whom were essential workers during the COVID-19 pandemic – should be urgently addressed. Any new social contract should include the extension of social insurance to all workers, as well as the expansion of social assistance through progressive taxation and the financing of public care services, particularly health care and childcare services. Mr. Quinn, reiterating that existing social protection systems were inadequate, repeated his call for the reimagining of the social contract based on ensuring the visibility of all groups, conceptualizing vulnerability as a situation in which people found themselves, and thinking laterally across silos and across identity grounds. Lastly, Ms. Iyehen emphasized that the COVID-19 pandemic had shown the importance of having a comprehensive and gender-responsive social protection system in place. Moreover, the pandemic had provided the appropriate moment to address and remove structural inequalities and to take a more concerted path towards equality, sustainability and security for all.

#### IV. Conclusions and recommendations

53. Participants and panellists alike agreed that it was critically important to ensure the right to social security for all to prevent and eradicate poverty and exclusion and to promote substantive equality. The COVID-19 pandemic had reinforced the central role of the State in protecting those under its jurisdiction, as had been illustrated by a number of the promising practices aimed at expanding coverage of social protection that had been highlighted during the discussion.

54. Current social protection systems were failing to protect specific groups, including women and girls, persons with disabilities, youth, older persons, migrants and informal workers. In the light of those gaps, speakers called upon States to re-examine their existing social protection systems so as to move away from emergency- or employment-based models – which excluded key populations – and towards non-discriminatory, inclusive, comprehensive, gender-responsive and long-term social protection systems. The panel discussion emphasized the role of social security systems to address women's disproportionate care burden, which had been further exacerbated by the COVID-19 pandemic.

55. In looking forward, the panellists underscored that creating sustainable and inclusive social security systems was often a question of political will rather than fiscal constraints. It was emphasized that nearly all countries had opportunities open to them to expand fiscal space in a manner that complied with human rights through progressive taxation, fighting illicit financial flows and tackling corruption. Moreover, inclusive social security systems were not only deemed affordable but were a precondition for inclusive development. The panellists and participants stressed that efforts at the domestic level must be supported by enhanced international cooperation, including through the establishment of a proposed global fund for social protection, reforms of the debt architecture and increases in official development assistance.

56. In conclusion, the panellists and participants pointed out that the right to social security was a key issue that required more sustained attention and focused efforts by the Human Rights Council, OHCHR and other multilateral bodies.

**57. During the full-day panel discussion, recommendations were made to States and all other relevant stakeholders with regard to how the normative content of the right to social security and the corresponding human rights obligations of States could guide policymaking in the area of social protection.**

**58. It was recommended that the Human Rights Council consider requesting OHCHR to expand its work on social protection, including by developing guidelines**

and technical cooperation on social protection, human rights and leaving no one behind, using and facilitating cross-fertilization of illustrative promising practices, in consultation with experts, stakeholders, States, civil society, human rights activists, United Nations entities and national human rights institutions.

59. Social protection policies should take into account and contribute to overcoming patterns of multiple and intersecting forms of discrimination, including discrimination based on gender, sexual orientation and identity, race, disability, migration status and age, in gaining access to health care and decent work opportunities and ensuring the right to an adequate standard of living.

60. In particular, it was recommended that States take steps:

(a) To ensure that social protection systems were based on a life-cycle approach to cover contingencies and risks affecting individuals at different stages of their lives, from childhood to old age;

(b) To shift from targeted programmes to universal and inclusive schemes that were more likely to prevent exclusion errors and stigmatization, especially for the most marginalized groups;

(c) To collect disaggregated data on the enjoyment of economic and social rights on the basis of gender, sexual orientation and identity, race, disability, migration status and age in order to inform social protection policies and practices;

(d) To carry out context-specific assessments of gendered risks and to analyse the factors underlying the exclusion and disadvantages faced by women and girls under existing social protection schemes;

(e) To design social protection systems taking into account women's unequal burden of unpaid care work and integrating gender-responsive elements, such as quality and affordable early childhood education and care, human-rights-based support services for older persons and persons with disabilities, vocational training, and support for victims of domestic violence;

(f) To promote economic policies aimed at creating decent jobs for women and reducing and redistributing unpaid care and domestic work;

(g) To ensure that children were at the centre of the social protection system, given that they were particularly vulnerable in the early stages of physical, intellectual and emotional development. Social protection systems should prioritize an integrated approach to unlock their potential, including through child-related benefits, childcare services, paid maternity, paternity and parental leave, and access to health care and education;

(h) To invest in comprehensive and inclusive social protection for persons with disabilities that provided the income security necessary for an adequate standard of living and covered disability-related extra costs, including human support, assistive technologies, transportation – particularly point-to-point transportation – and housing, while promoting cross-sectoral and gender-responsive policies and action plans that contribute to reducing unpaid care work;

(i) To invest in youth social protection programmes and to facilitate education, technical and professional training to support young people in their search for decent work;

(j) To facilitate the transition of workers from the informal to the formal economy by ensuring access to decent work and social security;

(k) To create or strengthen mechanisms to stimulate the meaningful participation of beneficiaries in policy creation, including through workers' representatives as well as organizations representing the most marginalized groups;

(l) To ensure and monitor regularly the portability and adequacy of benefits in amount and duration so that everyone might enjoy protection, including of their

rights to social security, family protection, an adequate standard of living, adequate access to health care, access to decent work, and just and favourable conditions of work.

61. States should take concrete actions, using their maximum available resources, including through international assistance and cooperation, to progressively achieve a universal and comprehensive social protection system that leaves no one behind.

62. States should mobilize resources, both domestically and through international cooperation, using all the macroeconomic tools at their disposal, to adequately fund social protection. This would require them:

(a) To put in place progressive taxation measures, such as personal income, wealth and corporate taxes, including on the financial sector, inheritance and property taxes and taxation on mineral and natural resource extraction, while avoiding regressive taxes, such as value added tax or consumption taxes, strengthening the capacity to collect taxes, combating tax evasion and other crimes, and tackling corruption;

(b) To increase social security coverage by formalizing workers in the informal economy and promoting access to decent work and social security;

(c) To reallocate public expenditures to prioritize social protection;

(d) To fight illicit financial flows;

(e) To restructure and reduce debt and promote debt relief in the light of high sovereign-debt levels;

(f) To take other macroeconomic measures that create more fiscal space, such as by adopting a more accommodative macroeconomic framework and tapping into fiscal and foreign exchange reserves;

(g) To enhance international cooperation by establishing a global fund for social protection;

(h) To reform the debt architecture and increase official development assistance.

63. International financial institutions should support States' efforts in the context of the COVID-19 recovery by ensuring that their programmes and loans enhance States' fiscal space and capacities to implement universal comprehensive social protection systems. International financial institutions should avoid imposing conditionalities, such as austerity measures, that limit States' ability to fund social protection by constraining their fiscal space.