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Economic Inequality and the Right to Social Security: Contested Meanings and Potential Roles

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I. Introduction

The right to social security, widely referred to in international human rights law, including in International Labour Organization conventions, is also found in more than half of all constitutions in the world (Jung et al. 2014). Social security is prominent in the Sustainable Development Goals (SDGs); “social protection” is explicitly stated in three targets. The term “social protection” is often used synonymously with social security and at other times used as a broader concept with social security as a core component (Goldblatt 2016, 8–9). Goal 1 to “End poverty in all its forms everywhere” includes Target 1.3: “Implement nationally appropriate *social protection* systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable” (UNGA 2015, 15). While the target requires social protection for “all” this idea of equality of access in ending poverty does not necessarily ensure that economic inequality will be addressed as there may still be significant differences of income and wealth within the society once this target is met.

Goal 5 to achieve gender equality and empower all women and girls includes target 5.4: “Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and *social protection* policies and the promotion of shared responsibility within the household and family as nationally appropriate” (UNGA 2015, 18 (emphasis added)). Again, this target can be met without reducing economic inequality as a whole.

The SDGs set the further Goal 10 to “Reduce inequality within and among countries.” This goal also addresses social security in Target 10.4, which states: “Adopt policies, especially fiscal, wage and *social protection* policies, and progressively achieve greater equality” (UNGA 2015, 21 (emphasis added)). This target stands alongside Target 10.1, which aims to achieve inclusive growth by raising the income of the bottom 40 percent of the population at a higher rate than the national average (however, without necessarily closing the income gap between the top and the bottom); while Targets 10.2 and 10.3 address the elimination of horizontal inequality more generally (UNGA 2015, 21). Social protection is therefore seen as central to efforts to address both poverty and economic inequality.

While social security may be seen as a contributor to economic equality, in some contexts it can reinforce the position of a privileged sector of society rather than reduce economic inequality (Luebker 2015, 223); for example where it is the preserve of an elite group of workers in society such as formal sector workers or public servants and where most people operate within the informal economy. It is therefore important to consider how social security, alongside other policy mechanisms, can be designed not only to address poverty but to tackle the problem of economic inequality, and how the right to social security can contribute to that aim.

The SDGs are explicitly grounded in international human rights (UNGA 2015, 4) and directed at promoting human rights (UNGA 2015, 6). Despite a measure of cynicism about the chances of success of the SDGs, they are seen by some as an important site for human rights contestation and accountability (Saiz and Donald 2017, 1042–3). Within this site and more generally, understanding how the right to social security can be used to respond effectively to economic inequality is a critical project for human rights scholars and actors. This is especially so as the right is often “ignored or even challenged” in the policies of key actors including “leading international organizations and financial institutions” (Alston 2015, para. 51).

Social security, the provision of resources by the whole society in response to the needs of certain groups, usually takes the form of money paid as direct benefits or tax transfers but is sometimes distributed in goods and services. The International Labour Organization (2017, 2) defines social security broadly as “the set of policies and programmes designed to reduce and prevent poverty and vulnerability across the life cycle.” It aims to address contingencies such as old age, maternity, illness,

injury, disability, caring responsibilities, loss of a breadwinner and unemployment, or in response more generally to poverty due to disaster or structural economic factors. Social security can take the form of social insurance, which involves contributions by the worker, employer and/or the state; or social assistance, which is non-contributory and tax-financed. Social assistance can be provided universally by the State to all people in society in a particular group (such as a pension for everyone above a certain age) or be targeted (such as through means-testing). It can be conditional on certain activities, such as job seeking or school attendance, or provided without conditions.

Social security is a key mechanism for redistribution of resources in society and can play a significant part in addressing economic inequality (Luebker 2015, 213). The extent of such redistribution is tied to the tax system in a country. Progressive taxation that increases with income alongside generous social security transfers, usually to those in need, play a key role in reducing economic inequality, in addition to measures such as minimum wages and the provision of goods and services such as health care and housing. Countries with similar inequalities related to income arising from the market such as Belgium and the USA differ significantly in terms of overall inequality because Belgium “corrects” these outcomes through taxes and transfers to a far greater extent than in the USA (Luebker 2015, 223). In much of Latin America, economic inequality is high due to regressive taxes and a social security system that favors the labor elites in the formal sector (Luebker 2015, 223–4). The growth in the tax base in Brazil allowed it to go against the continental trend and fund the Bolsa Família, a social security transfer to families begun in 2003, which led to a reduction in the Gini coefficient over the next decade (Luebker 2015, 224; Alston 2015, para. 51; Saiz and Donald 2017, 1036–7; Behrendt and Woodall 2015, 245). The different components of a social security system dealing with various contingencies require specific attention to their design and coverage to ensure that they are effective in addressing economic inequality. For example, Behrendt and Woodall (2015, 250) explain how this relates to age pensions:

Pension systems reflect and influence inequitable features of the labour market and employment in a variety of ways, and may aggravate or attenuate such inequalities. The distributive impact of pension systems depends in particular on the design of contributory pension schemes, the public–private mix, the interplay of contributory and non-contributory elements of protection, and the availability of non-contributory pensions

and minimum pension provisions for those who are unable to build up sufficient pension entitlements during their working lifetimes.

These design choices are contested political options informed by different conceptions of the role of social security that have a direct impact on whether social security is responsive to economic inequality. Thus, social security is variously conceived as a minimalist response to hardship, a means of diffusing opposition by an underclass, a response to market failure, an economic stabilizer in times of crisis, insurance over the life course, a form of redistribution, an expression of solidarity, an attempt to equalize, or even something more transformative of economic and other power relations in society.

These different conceptions of social security are informed by different philosophical standpoints on social justice underlying the concept. This chapter, in Section II, examines the differing objectives of social security and their philosophical origins, drawing on the schematic framework for social protection developed by Hickey (2014). It considers which of the philosophical approaches contribute to the goal of challenging economic inequality. It proposes, in Section III, a transformative approach to the right to social security based on substantive equality that engages the right to address economic inequality alongside other forms of inequality. In Section IV, the chapter discusses the origins of the right to social security in international law and the understandings that informed the framers of this right, leading to questions about its interpretation in relation to economic inequality. In Section V, the chapter examines evolving interpretations of the right to social security by international treaty bodies and special mandates holders to assess, against the background philosophical approaches to social security, which interpretations of the right inform their concluding observations and recommendations, their general comments and their reports. It finds that there is an emerging critical response to economic inequality at a national and global level in the interpretive framing of the right by these bodies, but that this needs to go further. The chapter concludes in Section VI by proposing a continued engagement with the underlying conceptual rationales behind the right in international law but also at the regional and national level and wherever struggles over its interpretation occur. This should lead to an understanding of the important role of the right in challenging economic inequality to achieve the just society that human rights promise. The COVID-19 pandemic has heightened the urgent need to consider the relationship between the right to social

security and economic inequality. This chapter was written prior to the pandemic and does not include specific reference to the health, economic and other inequalities arising from COVID-19 or national and international measures to address these. The analysis in this chapter is nevertheless relevant, perhaps more so than before, to this new and difficult context where inequalities have intensified and social security is, or should be, central to the response.

II. Approaches to Social Security Based on Different Understandings of Social Justice

The nature and role of social security is determined by the society through its political processes, meaning it cannot be understood as a set of technical measures alone. Thus, according to Naila Kabeer (2014, 342), “In the context of democratic societies, where such redistribution cannot be effected by state fiat, it requires a shared vision of the good society and the construction of a politically sustainable social contract that embodies this vision.” The choices a society makes about the type of social security to provide and its extent are shaped by that society’s understanding of social justice. Sam Hickey (2014) noted that social justice has a range of meanings and that the different philosophical positions informing versions of social justice lead to significantly different approaches to social protection. He identified five strands of social justice thinking and considered their implications for forms of social protection. These are briefly sketched here and may assist in understanding different social protection approaches. The five strands include: (1) conservative/neoliberal; (2) responsible liberalism; (3) social liberalism; (4) critical liberalism; and (5) radical. These approaches, informed by different responses to economic inequality, can lead to contrasting policies on key issues of debate such as whether social assistance should be universal or targeted and whether payments should be conditional on certain behaviors/activities or unconditional (Hickey 2014, 323). In practice, some of these policy approaches and outcomes may be drawn from more than one strand of social justice thinking with ideological overlaps or blends (Hickey 2014, 324).

A *conservative* approach emphasizing individual autonomy and limited state intervention would respond to what it saw as market failure or individual frailty with minimalist social security measures. This logic informs current neoliberal efforts to narrowly target social assistance and to discourage reliance on state support through onerous compliance

regimes. It can include punitive measures accompanied by ideological discourse that blames the poor for their failings and for draining resources from the industrious members of society. This discourse often distinguishes between “deserving” and “undeserving” people, for example, the elderly versus the unemployed.

The three liberal approaches to social justice contain some significant distinctions leading to differing types of social security but emerge from similar starting points related to individual rights, equality and the broader good of the society. The *social liberalism* approach, associated with John Rawls, is premised on the idea that reasonable members of society would wish to secure a basic standard of living for all based on the risk that they might need such support. This logic informed the development of the welfare state and the provision of some goods to all, such as health care and education alongside social security. Ronald Dworkin (2000) has criticized this approach for failing to distinguish between circumstances in which people find themselves (and for which there should be public welfare responses) and individual choice. Based on Dworkin’s thinking, *responsible liberalism*, as Hickey termed it, leads to targeted social security approaches encouraging behavior change such as conditional welfare payments. This thinking allows policymakers to stratify and judge people for their circumstances and can lead to stigma and stereotyping. Amartya Sen (2009), Martha Nussbaum (2003) and others have challenged social liberalism in a different way in advancing the capabilities approach. They argue that the focus on the distribution of goods in society fails to consider differences between people that shape their use of the same goods to achieve different outcomes. Justice and redistribution should thus focus on function and agency rather than goods. This *critical liberal* approach aims at enabling individuals through social provision and would be opposed to conditional social security that denies agency to the poor. The social and critical liberal approaches have been important in challenging some of the more conservative articulations of social protection (Hickey 2014, 330).

Hickey (2014) distinguished these liberal approaches to social justice and their consequences for social protection from a more radical approach. The need for such an approach arises from what he saw as the failure of the liberal approaches to adequately understand how injustice arises. Their “methodological liberalism” (Hickey 2014, 330) leads to a lack of engagement with the structural causes of poverty and exclusion and hence fails to develop responses to these factors. A radical approach to social justice is interested in relations of power rather than

only with resources or rights, and is concerned both with distribution and recognition. This approach also emphasizes the political dimension and the need for equal participation or deliberative democracy to determine questions of justice. The radical approach to social justice translates into transformative responses to social security that undermine structural causes of injustice (Hickey 2014, 333; Devereux and McGregor 2014). Examples of such responses include universal provision but also tie these to broader policy changes, in, for example, tax, employment and public ownership (as proposed by thinkers such as Nancy Fraser 1995) and changes to service delivery of social policy that address issues of dignity and respect (such as advanced by Ruth Lister 2008). Hickey noted that a radical analysis of social protection can also highlight where social security supports rather than undermines unequal power in a society (Hickey 2014, 333–5), for example where it is used to dampen resistance in deeply unequal societies without altering structures.

The radical approach to social justice and its implications for social security bring it into alignment with the project to reduce economic inequality since it looks beyond minor remediation of the impacts of neoliberalism to more far-reaching structural change. As observed by Hickey (2014, 333–4), this cannot occur without complementary economic, social and political policies. While liberal approaches may address individual disadvantage to various degrees depending on their orientation, their overall goal is not focused on reducing economic inequality or achieving more extensive social transformation.

III. The Right to Social Security and Economic Inequality: a Transformative, Substantively Equal Approach

This chapter argues that a radical social justice approach should inform the interpretation of the right to social security in international human rights law and wherever else the right is found. This sees the right being engaged to address *both* poverty and economic inequality. Instead of viewing the right as providing only a minimalist response to individual need, it sees the right in relational terms as a response to economic inequality within society and globally (see Salomon 2011). Understanding the right as one of the vehicles to achieve distributive justice gives real effect to the principle of equality within human rights. Providing social security equally requires more than the eradication of status-based discrimination (see MacNaughton 2018). A substantive equality approach entails systemic changes that

transform the structures that allow inequality to arise and flourish. While this reading of human rights is undeniably contested, it is not implausible to reject a minimalist interpretation of rights. As Salomon notes (2011, 19): “[T]here is nothing inherent in its theoretical underpinnings on the nature of rights or obligations that limit the human rights project to sanctioning merely the bare bones of what it means to be human.” A transformative approach to the right to social security based on substantive equality understands social security as universal and unconditional (Sepúlveda and Nyst 2012) and requires states to “equalise upwards” (Saiz and Donald 2017, 1037). While social assistance measures must be put in place to overcome poverty it is not enough to stop there. Social security, alongside other measures such as progressive taxation and high minimum wages, can perform a redistributive function in reducing economic inequality that is harmful, unfair and dangerous (Alston 2015; Alston 2018; Salomon 2011).

However, substantive equality recognizes that addressing economic inequality alone without also tackling other dimensions of inequality related to status and participation will not tackle the complex character of disadvantage and the other harms that accompany it such as exclusion, stigma and violence (Fredman 2016). In applying a substantive equality approach to the right to social security, feminist scholars have proposed new interpretations of the right that aim to tackle gender inequalities in the labor market and gendered poverty (Fredman and Goldblatt 2014; Goldblatt 2016; Goldblatt and Lamarche 2014). While this work may appear to be focused on the horizontal axis in addressing inequality between groups, it also contributes to tackling economic inequality on the vertical axis such as unequal income and wealth. For example, by providing social assistance to all unpaid carers of children, what appears to be a measure to address gender inequality can have profound impacts on reducing income differences across the society as a whole, and might contribute to transforming sexual divisions and the power relations linked to these. Similarly, equal pay measures that address gender imbalances, alongside decent wages, can lead to greater accumulation of retirement income by women, which can be significant in altering income distributions among the elderly. Conversely social protection measures to boost women’s income and labor force participation, such as through public works programs, may not succeed if sexual harassment prevents them from taking up these opportunities. Thus, the right to social security is most effective in addressing economic inequality if it is

directed concurrently with rights to equality and non-discrimination, at the multiple dimensions of inequality.

The chapter now considers how a range of ideologies, and associated meanings of social justice and social security, fed into the emergence of the right to social security in international law. The product of this contestation led to a broad right that is open to ongoing debate, development and reinterpretation.

IV. The Right to Social Security: Origins and Interpretations

The right to social security emerged in international instruments in the 1940s. The Declaration of Philadelphia 1944 gave the International Labour Organization (ILO) the project of “the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care” (para. III(f)). The right appeared a few years later in 1948 in the Universal Declaration of Human Rights (UDHR) in Article 22:

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 22 is closely related to Article 25, which reads:

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

The reference to “all” and “everyone” in both documents acknowledges that the right extends beyond the workplace to the whole society. The UDHR links the right to social security to the realization of other human rights – including the rights to food, housing and medical care – and stresses dignity, personal development and well-being. This link seems to align the right with social and critical liberal ideas of justice, and perhaps with more radical ideas of justice and equality. The reference to

motherhood, though arguably sexist and paternalistic/protective, is an important acknowledgment that sexual divisions in work and care shape men's and women's differing access to income and need in relation to social security (Goldblatt 2016).

The contingencies for which the right is provided in Article 25 were elaborated in the ILO's flagship Social Security (Minimum Standards) Convention, 1952, (No. 102), which included nine branches of social security: medical care; sickness benefit; unemployment benefit; old-age benefit; employment injury benefit; family benefit; maternity benefit; invalidity benefit; and survivors' benefit.

Almost two decades after the UDHR, the International Covenant on Economic, Social and Cultural Rights (ICESCR) was adopted in 1966 and entered into force in 1976. The right to social security in Article 9 of the ICESCR simply reads:

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10 addressing families, maternity and children is closely connected as is Article 11 dealing with the right to an adequate standard of living and the continuous improvement of living conditions.¹

The drafting history of the ICESCR reveals that the inclusion of social insurance followed a proposal by the Soviet Union to specify that the cost of social insurance should be borne by the state or employer to remove the burden on workers (Riedel 2007, 21). The drafters debated whether the right and its financing should be defined and its scope set out, finally settling on a broad and unspecified right (Saul, Kinley and Mowbray 2014, 612–13). The lengthy debates reflected confusion over the meaning of social security and its many variants in different countries as well as the differences in their stages of development and wealth. They also exposed the ideological differences animating the concept of social security. For example, France distinguished between social security to protect against risk, which it supported, and social security as a “means of transforming

¹ The right also appears in conventions dealing with the rights of particular groups such as migrants, women, children, people with disabilities and people on the basis of race: International Convention on the Protection of the Rights of All Migrant Workers and Their Families Article 27; Convention on the Elimination of All Forms of Discrimination against Women, Articles 11, 12, 13, 14(2); Convention on the Rights of the Child, Articles 18, 23, 26, 27; Convention on the Rights of Persons with Disabilities, Articles 25, 27, 28; International Convention on the Elimination of All Forms of Racial Discrimination, Article 5(iv).

social structures through the redistribution of income,” which it did not (Saul, Kinley and Mowbray 2014, 616).

The broad framing of the right to social security to overcome ideological and practical differences resulted in a right that is comprehensive in including both social assistance and social insurance (Riedel 2007, 23–5). In requiring a right available to everyone, Article 9 implies a role for the state and at least some redistribution, meaning it is inconsistent with an extreme conservative position (Saul, Kinley and Mowbray 2014, 616). Saul, Kinley and Mowbray (2014, 616) suggest, however, that the right “ideologically challenges socialist conceptions of economic life, since it allows for capitalist approaches to social security (such as worker contributions) and pursues limited redistribution to enable dignity, but not to even out inequality generally.”

This interpretation of the right – as not capable of addressing economic inequality – is debatable. The open wording, even with the inclusion of the words “social insurance,” does not necessarily imply that the right cannot or should not be used to overcome such inequality. Social assistance and social insurance can be designed, alongside other measures such as taxation, to equalize income and wealth in a society. The language of the right does not preclude such an interpretation and, considered alongside the principle of equality underlying human rights, may in fact require this more redistributive and transformative interpretation.

V. Developing Interpretations of the Right to Social Security in International Law

The interpretation of the simply framed right to social security in the ICESCR, and its articulation elsewhere in international law, has evolved over time, demonstrating that it is capable of a range of meanings. The narrow, formal employment-related conception of the right held by some countries, contested from its inception, has given way to more expansive understandings.

The first comprehensive interpretation of the right to social security in the ICESCR was produced by the Committee on Economic, Social and Cultural Rights (CESCR) in 2007. General Comment No 19 on the right to social security in the ICESCR (CESCR 2008) defined the right as encompassing (para. 2):

the right to access and maintain benefits, whether in cash or in kind, without discrimination in order to secure protection, inter alia, from (a)

lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age, or death of a family member; (b) unaffordable access to health care; (c) insufficient family support, particularly for children and adult dependents.

This is a somewhat technical definition drawing on the approach of the ILO, which is oriented toward the workplace. While (b) and (c) appear to acknowledge structural economic factors generating vulnerability, (a) is less clearly cognizant of such factors in preventing people from accessing paid work. The Committee failed to note that lack of work-related income may be caused by structural un- or underemployment in the economy and also failed to recognize that a significant amount of work in society is unpaid reproductive and subsistence work, often performed by women. However, the reference to “unemployment” in (a) and to “insufficient family support” in (c) may be interpreted to cover both of these realities. The General Comment clearly acknowledged that social security is a means of addressing poverty where it stated that (para. 3): “Social security, through its redistributive character, plays an important role in poverty reduction and alleviation, preventing social exclusion and promoting social inclusion.” While it recognized that contributory schemes (social insurance) are one possible form of social security, it noted that non-contributory schemes (i.e. social assistance funded from taxes) will be necessary in almost every country since it is unlikely that everyone could be covered by contributions alone (para. 4). It left open the possibility that schemes may be targeted or universal (para. 4).

The General Comment (para. 22) clarified that social security must be adequate to ensure that everyone can “realize his or her rights to family protection and assistance, an adequate standard of living and adequate access to health care, as contained in articles 10, 11 and 12 of the Covenant.” The words “adequate standard of living” in Article 11 are followed by the words “and to the continuous improvement of living conditions” but the Committee did not discuss this further aspect. While ensuring that social security benefits are adequate, as opposed to too little to live on with dignity, is an important challenge to unreasonably low levels of public support, the Committee did not advance the goal of going beyond basic provision toward something more far-reaching and equalizing. The General Comment thus stopped short of a more radical approach to interpreting the right to social security.²

² The General Comment did, however, stress that the right must be realized progressively through allocating adequate fiscal and other resources (para. 40–1) and that there is

The austerity impacts of the 2008 global financial crisis alongside the growing focus by international financial bodies and development agencies on social assistance schemes in developing countries brought social security more firmly into the spotlight in the late 2000s. The ILO, historically focused on formal sector workers, began to increasingly emphasize “decent work” for all in the globalizing economy. At the same time, it stressed the need for social protection to address poverty and the lack of basic levels of support in many countries for vulnerable groups, alongside the progressive extension of existing social security schemes. This led to the development of ILO Recommendation concerning National Floors of Social Protection, 2012 (No. 202), which calls on states to establish social protection floors defined as “basic social security guarantees which secure protection aimed at preventing or alleviating poverty, vulnerability and social exclusion” (Article 2). At the same time, states should develop strategies “for the extension of social security that progressively ensure higher levels of social security to as many people as possible” (Article 1). The floors would include the following basic social security guarantees (Article 5):

- (a) access to a nationally defined set of goods and services, constituting essential health care, including maternity care, that meets the criteria of availability, accessibility, acceptability and quality;
- (b) basic income security for children, at least at a nationally defined minimum level, providing access to nutrition, education, care and any other necessary goods and services;
- (c) basic income security, at least at a nationally defined minimum level, for persons in active age who are unable to earn sufficient income, in particular in cases of sickness, unemployment, maternity and disability; and
- (d) basic income security, at least at a nationally defined minimum level, for older persons.

The stated principles underlying the recommendation include solidarity, universal protection and social inclusion aimed at reducing inequality and promoting equal opportunity (Article 3; Preamble). These aims require redistributive approaches and efforts to progress the rights of all in society. Arguably, this locates the recommendation philosophically

a presumption that retrogressive measures are prohibited (para. 42), something that has proved important in challenges to austerity cuts to social security since the Global Financial Crisis of 2008.

within a social or critical liberal approach but it cannot be seen as more radical in terms of challenging the economic systems that allow extreme economic inequality to arise. The recommendation has been criticized for its strategic focus on basic levels of rights' provision rather than requiring that states reach the "ceiling" that human rights demand (Goldblatt 2016, 95–7; Lamarche 2014). A transformative and substantively equal approach to social protection would address *both* poverty and economic inequality in countering their structural economic causes. The social protection floor concept, though important, retains a minimalist approach to rights that fails to challenge the underlying systemic inequalities of the international economic system.

The CESCR concluding observations over recent years demonstrate a shift from a focus on coverage of social security to all affected groups to issues of adequacy of social security and more recently to issues of financing of social security through a broader focus on the macroeconomic decisions of countries. In relation to coverage, a number of reports concern the exclusion of workers in the informal sector from social security protections. For example, the Committee recommended to Costa Rica that it: "Take all necessary measures to progressively lower the number of workers in the informal sector of the economy, to bring those workers into the formal sector and to ensure that they are covered by labour legislation and that they have access to social protection" (CESCR, Costa Rica, 2016a, para. 31(a)).

The Committee here indicated that it is not sufficient to provide social security coverage to informal workers without also embarking on broader labor market restructuring. This has been taken further, for example, in relation to the Dominican Republic, where the Committee recommended the development of a social security system guaranteeing "universal social protection coverage" including for the most disadvantaged and marginalized groups, both workers and others (CESCR, Dominican Republic, 2016b, para. 42). This shift to whole population coverage is a significant move away from the historical focus on workers, supported by regular reference to the ILO's Social Protection Floor Recommendation.

The Committee has also tackled reduced social security eligibility and low payments such as in its report on the United Kingdom where it expressed deep concern about: "the adverse impact of these changes and cuts on the enjoyment of the rights to social security and to an adequate standard of living by disadvantaged and marginalized individuals and groups, including women, children, persons with disabilities,

low-income families and families with two or more children” (CESCR, United Kingdom, 2016c, para. 40).

It has related these concerns to broader observations about the negative impact of austerity measures on levels and distribution of disadvantage in the country (para. 18). It has also questioned tax policies favoring companies that affected the state’s ability to finance measures to address disadvantage (para. 16). In its report on the Philippines, the Committee noted the continuing growth of the economy without sufficient public spending on social services including social security (CESCR, The Philippines, 2016d, para. 31). It recommended increasing the budget allocation for social protection (para. 32). In relation to Pakistan, the Committee commented not only on the limited tax base but also the inadequate public expenditure on social security and other services, particularly in light of high defense spending (CESCR 2017, para. 15). It recommended that Pakistan: “review its tax regime with a view to increasing its tax revenue and ensuring that it does not put a disproportionate burden on persons belonging to low-income segments but contributes to the redistribution of income and wealth” (para. 16).

The tenor of these recent reports certainly reflects a redistributive understanding of social security that aligns with a social liberal and perhaps even a radical approach. The clear links being made between maximum available resources, social spending budgets and tax policy show that the Committee is willing to examine closely the financial decisions of States that impact on their social security resources and allocations. The focus is still, however, on adequacy or addressing the worst forms of economic imbalance rather than on the steps needed in moving toward greater economic equality.

Other committees are pushing at the boundaries of more traditional approaches to social security that may impact on economic inequality. The Committee on the Elimination of Discrimination against Women in its General Recommendation on Rural Women has stressed the need to recognize women’s unpaid work for the purposes of social security and protection (CEDAW 2016, paras. 40–1). While this fits within the broader move to include informal workers within social security coverage, it is also more radical in moving away from the idea of work as paid work outside the home. Similarly, the Committee on Migrant Workers has focused on States’ responsibilities outside of the national context in recommending that they enter into bilateral and multilateral agreements to protect the social security rights of migrant workers (CMW 2015, para. 30(b)). These

shifts, while not necessarily tackling the overall project of global capitalism that produces and maintains economic inequalities, nevertheless challenge some of the pillars of a system that is sustained by keeping non-nationals in an inferior economic position and by supporting paid labor with unpaid reproductive work, usually done by women.

The special procedures of the UN's Human Rights Council are independent experts with mandates to report on various human rights matters. The former Special Rapporteur on extreme poverty and human rights, Philip Alston, and his predecessor, Magdalena Sepúlveda Carmona, have contributed guidance on ways in which the right to social security and social protection should be interpreted to address poverty and economic inequality. In her recommendations to Vietnam, the Special Rapporteur stressed that "From a human rights perspective it is essential that the Government ensures that the benefits of economic growth are spread as evenly as possible across society" (Sepúlveda 2011, para. 100). Sepúlveda's report on taxation pointed to the critical role of tax policy in reducing income and wealth inequalities, usually proving more effective than through means-tested social transfers (Sepúlveda 2014, para. 41). She recommended increases in tax revenues be put toward budgetary measures to realize human rights (Sepúlveda 2014, para. 79(a)). She also recommended that international financial institutions and economic bodies promote progressive taxation and help governments to increase their redistributive capacities toward realizing rights. Alston, in a hard-hitting report directed at the International Monetary Fund in relation to its approach to social protection, argued that the Fund had taken a minimalist, "safety-net" approach (Alston 2018). In contrast to a human rights approach, Alston found that the IMF was interested only in "mitigation, not transformation, and social protection is embraced for largely pragmatic programmatic considerations, rather than for the principled reason that any macroeconomic framework should protect those who cannot protect themselves" (Alston 2018, para. 36). He called on the body to change its mindset "from the modified neoliberalism that currently sets the parameters of its thinking" (Alston 2018, para. 58). While much of the Special Rapporteur's work was directed at addressing extreme poverty based on human rights responses, the issue of economic inequality was squarely tackled in Alston's report (2015) on this topic.

The attention to economic inequality, via social protection and other means, within the Sustainable Development Goals marks a new phase in the developing interpretation of the right to social security by UN bodies. Economic inequality was a concern for human rights bodies prior to the

SDGs with the Gini coefficient listed as one of the general social and economic indicators to assess human rights implementation on which States parties should report (UN Secretary General 2009, 23); however, the guidelines for reporting on social security to the CESCR are focused on levels of coverage to address poverty and discrimination rather than economic inequality (UN Secretary General 2009, 31–2). Recent reports of treaty body committees have begun referring to the SDG targets in their recommendations to States parties. For example, the Committee on the Rights of the Child in its report on Mongolia recommended that the country: “Undertake a study to identify the root causes of inequality and implement effective redistributive and progressive taxation policies that could direct resources towards children in the most vulnerable situations, taking into account target 1.3 of the Sustainable Development Goals on implementing nationally appropriate social protection systems and measures for all” (CRC 2017, para. 37(a)).

This suggests that Goal 10 may become more influential in informing a more transformative interpretation of the right to social security by the treaty body committees. While the integration of human rights within the SDGs offers a means of holding states accountable to a progressive social vision (Saiz 2019), at the same time, the SDGs may prove important in focusing human rights bodies on the challenge of reducing economic inequality.

VI. Conclusion

The struggle to overcome economic inequality is a broad struggle drawing on a range of strategies in which law and rights are just one part. In responding to rights critics, Langford encourages an “empirical sensitivity and theoretical reflexivity” that allows for a grounded engagement with rights that ensures they are directed “towards facilitating transformational spaces and achieving transformational ends” (Langford 2015, 796). The UN treaty bodies and special procedures are advancing an increasingly critical response to economic inequality at the national and international level in their discussion of social security. This is engaging with and reshaping understandings of the right in new directions and perhaps influencing and supporting efforts at the national and regional level toward more expansive interpretations of the right. This approach incorporates a contextual and critical understanding of the right, allowing it to be deepened and marshaled toward more radical and transformative ends. The open language of the right to social security in

international human rights law allows for an ongoing project of progressive reinterpretation of the right that should make this a centrally important right in challenging and overcoming economic inequality.

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