

The role of civil society in improving the availability and efficacy of social protection systems

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Overview

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6. Role of Civil Society organisations

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1. Introduction: Rights based approach to social security is needed

- Brot für die Welt / development organisation
 - 1100 projects in > 90 countries
 - Self help / pro poor oriented
- We have recently developed our own positioning and own programme for the promotion of basic social security (together with partner organisations)
- Good that the social forum is focussing on basic social security, because a change in the mind set (towards basic social security instruments) is needed. Change is under way but still at the beginning.
 - Civil society groups are oriented towards self help strategies/ time limitations to projects require „sustainability“
 - Developing countries prefer spending money on „productive investments“
 - As do development actors (bi- as well as multilateral), focus on productive investment and self help
- Good that is is done from a human rights based perspective.
 - Clarification of roles (what should be done by governments and other actors)
 - Help to define roles of civil society and not to overestimate our possibilities

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2. Why should we focus on Basic Social Security?

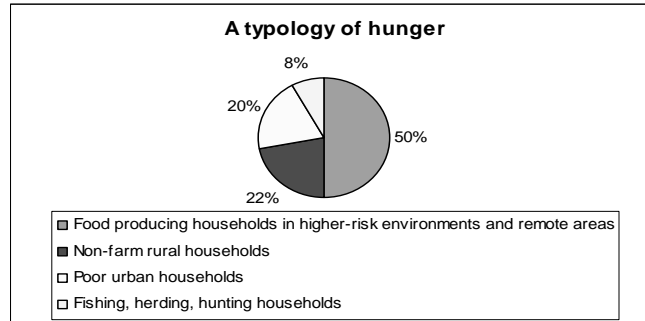
- Number of Hungry was high since many years
 - Since 1996 around ca. 850 Mio
 - Rapid increase in 2008 923 Mio / October 967 Mio / Mai 2009 > 1 Billion
 - Malnutrition 4 billion
- Correlation Hunger / extreme poverty is high
- MDG 1 least implemented
- Pressure on development actors
 - Legitimacy / MDGs
 - World Food Crisis as increased the willingness to rapid responses such as Social Cash transfers (two pillars of the comprehensive framework for action – HLTF)

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2. Why should we focus on Basic Social Security?

- Hunger Task Force der VN (MGD Project)



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2. Why should we focus on Basic Social Security?

- Marginalization of these groups
 - Geographical
 - Social
 - Political
 - Gender
- New groups with reduced capacity of self-help
 - Increasing number of elderly
 - HIV / Aids orphans
 - Migrants (also unaccompanied children)
 - etc

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2. Why should we focus on Basic Social Security?

- „Hunger studies“ Brot für die Welt
 - 11 countries
 - Do we reach the poor?
- Historic focus on
 - self help / empowerment
 - Sustainability of intervention
- Outcome of studies – we do not have to be concerned with the assumption that transfers discourage people to become active
 - Basic social security helps people to invest into their future
 - Enable people to restart economic activities
 - Better nutritional status (less stunting), more capacities
 - Better education for children
 - Direct support can enable people to help themselves

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2. Why we should focus on Basic Social Security?

- Steps so far :
 - Background studies on Basic social security
 - Social cash transfers from a human rights based perspective
 - Discussion with partners
 - Pilot projects support to partners
 - Work in emergency situations
 - Lobby and advocacywork
 - With partners
 - With development actors

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3. Basic social security as part of social protection

1. **Definition:** “Brot für die Welt” interprets basic social security to be instruments of the state (including local authorities) to transfer monetary benefits and benefits in kind to individuals or to households. Practice to date shows that these benefits go to people who only have very limited capacities for self-help; however, it may include those who really might be able to earn their living but whose self-help capability is paralysed by structural conditions. Depending on the underlying conditions in the region and local area, systems for basic social security are primarily required in order to make people survive and reduce extreme poverty (in the Southern hemisphere) or to protect people against life-threatening risks and social exclusion (in the Northern hemisphere).
2. **Basic social security systems differ from other forms of assistance in the following characteristics:**
 - They are not based on contributions, and do not have to be reimbursed;
 - The resources are granted to individuals and/or households;
 - They are assistance for subsistence (and not primarily given to education or employment); and
 - They are long-term material grants

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3. Basic social security as part of social protection

- The benefits described as social transfers may be granted in the **form of money, vouchers** (e.g. food coupons or accommodation vouchers) **or benefits in kind** (such as food parcels, medicines, seed, building materials) (see diagrams).
- Basic social security systems, however, should **not replace other necessary investments in public goods such as:**
 - **infrastructure**
 - Good regulation (security of tenancy etc.)

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4. The importance to define Basic Social Security based on Human Rights Criteria

- Right to social security (General Comment No. 19) (see background paper)
 - Still with a focus on formal economy
 - Opening to informal sectors instruments of social security
- Right to an adequate standards of living (Art. 11, ICESRC) including housing, food....
 - Two components:
 - freedom from hunger
 - Right to feed oneself

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4. The importance to define Basic Social Security based on Human Rights Criteria

Elements of a rights based approach:

- Focus on accountability
- State Obligations (see General Comments)
 - Respect
 - Protect
 - Fulfill
 - Facilitate (help yourself)
 - Provide
 - Promote / information
- Standards of application:
 - maximum of available resources,
 - take steps,
 - start immediately,
 - focus on vulnerables,
 - no-discrimination, transparency → Procedural rights

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4. The importance to define Basic Social Security based on Human Rights Criteria

General Comment	respect	Protect	Fulfil		
No. 12 food (1999)	Respect	Protect	Facilitate	Fulfil	Provide
No. 13 education (1999)	Respect	Protect	Facilitate	Fulfil	Provide
No. 14 health (2000)	Respect	Protect	Facilitate	Promote	Provide
No. 15 water (2002)	Respect	Protect	Facilitate	Promote	Provide
No. 16 Principle of gender equality (draft)	Respect	Protect	Facilitate	Promote	Provide
No. 17 work (draft)					
No. 18 intell. property (draft)	Respect	Protect	Facilitate	Promote	Provide

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4. The importance to define Basic Social Security based on Human Rights Criteria

- National Strategie (several general comments, Voluntary Guidelines on the implementation of the right to food)
 - Assessment
 - Check of legislation (de jure)
 - Check of policy measures taken (de facto)
 - Monitoring
 - Access to recourse
- extraterritorial dimension of ESC-rights:
 - Do no harm (respect / protect)
 - Support in fulfillment
 - Control of third parties / private actors
 - Check your role in intergovernmental settings

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5. Key discussion points for a rights based approach

[Good discussion in the latest report of the Independent Expert

1. Should programme be targeted (means tested?)
 - Selection errors
 - Stigmatization
 - Exclusion errors
 - Counterproductive effects (people are getting support too late – with negative impact on their development (e.g. children))
 - Effectiveness of targeting is better in richer countries
 - Cost intensive

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5. Key discussion points for a rights based approach

2. Conditions yes / no?
 - Pro: increasing efficiency / increasing legitimacy
 - Contra: what happens when the essential minimum has to be withdrawn from a person
 - Conditions must be reasonable, realistic, objective and verifiable
3. Cash / in kind?
 - both are needed – situation specific
 - Example discussion on use in emergencies
 - Cash is less patronising (less control over spending)
 - Studies show that spending is very reasonable

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5. Key issues: Human Rights criteria

- 1. Completeness:** Every person should be able to rely on a transfer scheme, which guarantees a minimum level of consumption through one or several transfers. The transfer system of a state should be complete in the sense of providing this level either as an individual programme or as combination of several programmes. States should present a national strategy plan on the re-alisation of these transfers.
- 2. Sufficiency:** The level of social cash transfers should be sufficient to provide an adequate income securing access to adequate food and the satisfaction of other elements of an adequate standard of living (not provided otherwise) in dignity.
- 3. Full coverage:** Transfers have to reach each person [with an income level below the stipulated minimum (“person in need”). If such a person is not reached by complete transfers, this may constitute a violation of human rights.

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5. Key issues: Human Rights criteria

- 4. Justiciability/enforceability:** Each person entitled to transfers according to national strategy plans who does not receive such transfers should have the right to sue the State and receive immediate redress. Individuals should be made aware of their rights and how and where they can lodge a complaint.
- 5. Role of state authorities:** Transfers are often the last resort for a person in need. Transfers can only be guaranteed if provided by authorities of the nation state with budgetary or technical assistance of the international community of states whenever necessary
- 6. Not compensatory:** Social transfers must never be politically misused as justification for excluding people and communities from their economic participation and from their access to (and use of) productive resources. They do not release governments from their obligations to respect, protect and fulfil people’s access to and use of resources so that people and communities can secure a decent standard of living on their own.

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6. Role of civil society actors

- Four pronged approach for CSOs:
 - provide direct support for the poorest if necessary
 - check the extent to which traditional support systems and solidarity networks can be revived and strengthened.
 - In acute emergency and disaster situations, social transfers – e.g. in the form of cash transfers – are part of humanitarian aid in the work of aid agencies. However, they cannot and should not be provided by private aid organisations in the long term. It is the task of the state to guarantee fundamental human rights such as the right to be free from hunger.
 - rights based approach to challenge governments to implement their obligation, or to help governments to implement (monitoring etc.)
(both on national obligations and on extraterritorial obligations)

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6. Role of civil society actors

Summary:

- If governments fail to operate properly, one of the tasks of civil society is to get involved and to strengthen direct help for people in need.
- The combination of direct aid and a rights-based approach will help people to understand which tasks civil social involvement should fulfil and where to demand that the sovereign state authorities should take responsibility.
- For this reason, it cannot and should not be the task of civil society to take over state functions in the long term or release it from its responsibility. Instead, civil society should be enabled to claim that the state fulfils its obligations.

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6. Role of civil society actors

- Role description along the national implementation strategy:
 1. Assessment
 2. Check legislation
 3. Check policy measures
 4. Monitoring
 5. Recourse / complaint mechanism

In all these areas CSOs can be helpful partners for governments in identifying how to improve the implementation

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6. Role of civil society actors

- Brot für die Welt roles
 - Lobby and advocacy for basic social security programmes (nationally / internationally) (overcoming the resistances that still exists)
 - Support for example to partners in broad based civil society networks (Namibia, South Africa)
 - Support for example partners in broad based campaign for social security (India)
 - Support for example partners in monitoring (Brazil)
 - Clarification of concepts / study work etc.

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Thanks for your attention

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