

**STATEMENT BY THE COMMUNITY LAW CENTRE, UNIVERSITY OF
THE WESTERN CAPE, TO THE AFRICAN COMMISSION ON HUMAN
AND PEOPLES' RIGHTS AT THE 55th ORDINARY SESSION**

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**'SOCIAL PROTECTION/SECURITY AS A TOOL FOR POVERTY
REDUCTION IN AFRICA'**



SOCIAL PROTECTION/SECURITY AS A TOOL FOR POVERTY REDUCTION IN AFRICA

The Community Law Centre is a non-profit research organisation of the Law Faculty at the University of the Western Cape, South Africa. The CLC works to realise the democratic values and human rights enshrined in South Africa's Constitution. The Centre also seeks to advance human rights and democracy in Africa and engages in high quality research, public interest litigation, policy development, and advocacy. This statement of the Community Law Centre (CLC) focuses on the importance of social security/protection as a tool for poverty reduction in Africa.

Today, the world remains an unfair, unequal, insecure and unhealthy place for the majority of people. Four out of five people in the world do not have access to comprehensive social security and 50% of these live in absolute poverty. Majority of these people live in Africa. Women continue to constitute 70% of the world's poor. About 30% of our planet's population has no access to adequate health care. Every second a child is poor and each year millions of children die of preventable causes. Millions of older persons face poverty, hardship and diseases. Inequalities are increasing and social progress is uneven, and unacceptably modest and slow. One of the ways of addressing the pervasive poverty and inequalities existing in many parts of Africa is the adoption of a virile national social security measures

The right to social protection/security is recognised in international human rights instruments including article 22 of the Universal Declaration on Human Rights of 1948 and the article 9 of the International Covenant on Economic, Social and Cultural Rights. The Committee on Covenant on Economic, Social and Cultural Rights in its General Comment 19 on social security has observed that states are under obligations to adopt appropriate laws and policies in relation to social security with a view to alleviating the poverty situation among their people.ⁱ The Committee further notes that 'The right to social security is of central importance in guaranteeing human dignity for all persons when they are faced with circumstances that deprive them of their capacity to fully realize their Covenant rights'.ⁱⁱ In addition to these human rights instruments, a number of International Labour Organization's Conventions contain provisions relating to social protection/security. These include the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Income Security Recommendation, 1944 (No. 67), and the Medical Care Recommendation, 1944 (No. 69).

Although the right to social security is not explicitly recognised in the African Charter on Human and Peoples' Rights, this right can be inferred from a number of other rights guaranteed in articles 4, 5, 6, 15; 16; 18(1), (2) and (4)) of the Charter. Moreover, this honourable Commission in its Principles and Guidelines on the Implementation of Economic, Social and

Cultural Rights has explained that 'the right to social security is of central importance in guaranteeing human dignity for all persons when they are faced with circumstances that deprive them of their capacity to fully realise their rights.' In addition, the Commission has noted that 'Social security, through its redistributive character, plays an important role in poverty reduction and alleviation and preventing social exclusion and promoting social inclusion'.

In recent times, social protection/security has gained predominance and political support globally in the context of development and poverty reduction agenda. The right to social security is one of the foundations for inclusive, equitable and sustainable development. It can simultaneously address the economic, social and environmental dimensions as well as protect and promote livelihoods. Also, social security can have a transformative role in contributing to long term inclusive and sustainable growth while also enhancing resilience against natural and manmade disasters, including economic, financial and social crisis.

In June 2012 the International Labour Organization's General Assembly adopted Recommendation 202 on Social Protection Floors, which urges states to adopt minimum standards to ensure the provision of safety net for vulnerable and marginalised members of society. The Recommendation aims at ensuring that people have effective access to health care and basic income security through the life cycle. It recommends that the basic minimum for the realisation of social protection floor at the national level should include the following:

- access to essential health care, including maternity care;
- basic income security for children, providing access to nutrition, education, care and any other necessary goods and services;
- basic income security for persons in active age who are unable to earn sufficient income, in particular in cases of sickness, unemployment, maternity and disability; and
- basic income security for older people

Many African countries and labour unions were involved in the drafting and negotiation of this important Recommendation. It is therefore imperative that African governments make concrete efforts to implementing the provisions of this Recommendation. Evidence abounds to show that social protection or security measures have transformed lives and have helped many to avoid abject poverty.

CLC is of the view that rights-based national social protection floors are coherent, comprehensive and indispensable social policy tools for achieving the eradication of poverty and reduction of inequalities by 2030.

In view of the above, **the Community Law Centre makes the following recommendations to the Commission:**

1. To call on the African Commission to adopt a resolution urging African states to implement laws, policies and programmes, rooted in human rights that will ensure universal social security entitlements
2. To call on African states to work hand in hand with civil society groups with a view to ensuring the implementation of ILO Recommendation 202 on Social protection Floor
3. To call on African states to commit adequate resources to programmes on social protection or security, especially for vulnerable and marginalised groups in society
4. To call on the international community, including the African Union to consider the establishment of a global fund for the realisation of social protection floor.

Thank you.

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ⁱThe Right to Social Security UN Committee on ESCR General Comment No 19, UN Doc E/C.12/GC/19 2008.

ⁱⁱ General Comment 19 para 1