

SPRINGER BRIEFS IN POPULATION STUDIES

Julie L. Drolet

Social Protection and Social Development International Initiatives



Springer

SpringerBriefs in Population Studies

For further volumes:
<http://www.springer.com/series/10047>

Julie L. Drolet

Social Protection and Social Development

International Initiatives

 Springer

Julie L. Drolet
Faculty of Social Work
University of Calgary
Edmonton, AB
Canada

ISSN 2211-3215 ISSN 2211-3223 (electronic)
ISBN 978-94-007-7877-1 ISBN 978-94-007-7878-8 (eBook)
DOI 10.1007/978-94-007-7878-8
Springer Dordrecht Heidelberg New York London

Library of Congress Control Number: 2013951323

© The Author(s) 2014

This work is subject to copyright. All rights are reserved by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed. Exempted from this legal reservation are brief excerpts in connection with reviews or scholarly analysis or material supplied specifically for the purpose of being entered and executed on a computer system, for exclusive use by the purchaser of the work. Duplication of this publication or parts thereof is permitted only under the provisions of the Copyright Law of the Publisher's location, in its current version, and permission for use must always be obtained from Springer. Permissions for use may be obtained through RightsLink at the Copyright Clearance Center. Violations are liable to prosecution under the respective Copyright Law. The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use.

While the advice and information in this book are believed to be true and accurate at the date of publication, neither the authors nor the editors nor the publisher can accept any legal responsibility for any errors or omissions that may be made. The publisher makes no warranty, express or implied, with respect to the material contained herein.

Printed on acid-free paper

Springer is part of Springer Science+Business Media (www.springer.com)

This book on social protection and social development is dedicated to all those who have worked and who are working to promote social and economic development in our world including:

Within the United Nations system, the International Labour Organization, UNICEF, and other agencies, program officers and staff in regional and country offices; and

To social workers who are advocating for human rights and social justice across the globe, thank you for your many contributions.

Acknowledgments

I would like to thank all those who have contributed to the development of this publication on social protection and social development:

Bob Huber, Chief, Division for Social Policy and Development, United Nations Department of Economic and Social Affairs (UNDESA), for meeting with me in New York City and for providing access to new material.

Isabel Ortiz, Associate Director, Policy and Practice, UNICEF, for sharing reports and materials on children’s rights and social protection.

Golam Mathbor, Professor and Associate Dean of Social Work, Monmouth University, who chaired a session on social protection at the Social Work—Social Development Conference held in Stockholm in July 2012.

Tiffany Sampson, a former social work student and community-based researcher, for undertaking a thorough literature review of the subject in the summer of 2012.

Corey Sullivan, my partner and friend, who holds my hand in the struggle for human rights and social justice across the world.

Contents

1	Background to the Social Protection Initiative	1
	Introduction to Globalization	1
	Global Financial Crisis.	3
	Progress and Constraints in Achieving the Millennium Development Goals (MDGs).	5
	Social Impacts	6
	Agreement in Nine United Nations Joint Initiatives.	7
	Rationale	8
	Discussion and Conclusion	9
	References	10
2	International Instruments.	13
	Universal Declaration of Human Rights	13
	International Covenant on Economic, Social, and Cultural Rights	14
	ILO Conventions on Social Security	15
	Convention on the Rights of the Child.	16
	Convention on the Rights of Persons with Disabilities	17
	Universal Declaration on the Rights of Indigenous Peoples	18
	Discussion and Conclusion	19
	References	19
3	Definition of the Social Protection Floor	21
	What is a Social Protection Floor?	21
	Recommendation No. 202	21
	Concept of Social Protection.	23
	Human Rights and Social Justice Frameworks	25
	Social Development.	27
	Social Determinants of Health.	28
	Social Risk Management	30
	Social Inclusion.	31
	Discussion and Conclusion	31
	References	32

4 Adaptive Social Protection	35
Climate Change and Disasters	35
Adaptation and Mitigation	40
Environmental Change	42
Social Protection and Sustainable Adaptation	43
Sustainable Development	45
Risk-Adjusted Social Protection Floor	46
Discussion and Conclusion	46
References	47
5 Country Developments and Initiatives	51
Country-Based Activities	51
Specific Examples	52
Universal Family Allowance, Argentina	52
The Mahatma Gandhi National Rural Employment Guarantee Act, India	53
Child Support Grant, South Africa	55
Universal Coverage Scheme, Thailand	56
Universal Pension Scheme, Thailand	57
Promising Practices	58
Key Challenges and Resources Needed	58
Discussion and Conclusion	59
References	60
Appendix A: Universal Declaration of Human Rights	63
Appendix B: International Covenant on Economic, Social and Cultural Rights	69
Appendix C: Convention on the Rights of the Child	79
Appendix D: Convention on the Rights of Persons with Disabilities	99
Appendix E: United Nations Declaration on the Rights of Indigenous Peoples	125
Appendix F: C102-Social Security (Minimum Standards) Convention, 1952 (No. 102)	137

Chapter 1

Background to the Social Protection Initiative

Abstract This chapter serves as an introduction to provide background information on the social protection floor initiative and to outline the progress and constraints in achieving the Millennium Development Goals (MDGs). The context of globalization is provided, and the recent global financial crisis, which both influence the development of recent social protection initiatives. The chapter concludes with a rationale for social protection and presents the agreement on the nine United Nations joint initiatives.

Keywords Globalization • Financial crisis • Recovery • MDGs • Social impacts • Social protection • Rationale

Introduction to Globalization

“Globalization” has quickly become one of the most fashionable buzzwords of contemporary political and academic debate (Scheuerman 2010). Since the 1980s, the term “globalization” has been used to characterize the diffusion of new technologies, the flow of ideas, the exchange of goods and services, economic and financial liberalization,¹ the internationalization of business, and the movement of persons. The impacts of globalization are profound, particularly in the social, economic, cultural, political, and environmental spheres. Many theorists agree that

¹ Neoliberal monetary policies have emphasized the opening up of capital markets to external flows and keeping inflation rates low. Financial volatility and crises in developing countries affect the economy in terms of income decline, lower employment, increasing unemployment and underemployment, and shifts from formal to informal work. Recurring economic crises associated with financial liberalization have propelled many women into the labour force, and often into more precarious forms of work. Financial liberalization is one of the most controversial aspects of globalization because of its association with crises that have had negative effects on income and employment (Razavi et al. 2012).

globalization refers to fundamental changes in the spatial and temporal contours of social existence, where place and space is undergoing dramatic shifts with increasingly interconnected forms of human activity (Held et al. 1999). Developments in one region of the world can shape the life chances of communities in distant parts of the globe (Perraton 2011) and have implications for another location known as the ‘local–global’ nexus (Dominelli 2010). The present context of globalization is contested, as it has potential for both positive and negative effects. Proponents of globalization argue that the process of economic cooperation and integration has helped a number of countries to benefit from high rates of economic growth and employment creation, to absorb many of the rural poor into the modern urban economy, to advance developmental goals, and to foster innovation in product development and the circulation of ideas. On the other hand, critics of globalization argue that global economic integration has caused many countries and sectors to face major challenges of income inequality, continuing high levels of unemployment and poverty, vulnerability of economies to external shocks, and the growth of both unprotected work and the informal economy. The processes of globalization have coincided with women’s increasing labour force participation, but have also produced adverse outcomes for significant numbers of women and men who are being pushed into low-paid temporary, seasonal, and casual employment, with women continuing to be primarily responsible for unpaid care and reproductive work² (Razavi et al. 2012).

Globalization, or what some refer to as the increased interconnectedness and interdependence of peoples and countries, is understood to comprise both of the following: (1) the opening of international borders to increasingly fast flows of goods, services, finance, people, and ideas; and (2) changes in institutions and policies at national and international levels that facilitate such flows (World Health Organization 2012). For example, a natural disaster in one country has ripple effects around the world. Global warming challenges all nations to work together. Chapter 4 will further consider the impacts of climate change and disasters and how ‘adaptive social protection’ can reduce risks and vulnerabilities. Today’s world is experiencing growing interdependence and complexity yet continues to maintain fundamental values of freedom, human dignity, social justice, security, and non-discrimination for sustainable economic and social development. The International Labour Organization (ILO) unanimously adopted the *ILO Declaration on Social Justice for a Fair Globalization* on 10 June 2008. The Declaration reflects the wide consensus on the need for a strong social dimension to globalization in achieving improved and fair outcomes for all (ILO 2008). Globalization has been a significant factor in the emergence of social protection, as it raises the demand for social protection (Rodrik 1997). The global financial crisis further focused attention on the need for social protection policies and programs.

² Unpaid care and reproductive work is crucial to the success of the ‘productive economy’ yet is not recognized in official labour market statistics or counted in GDP. Unpaid care work includes housework and caregiving of persons in homes and communities. It remains invisible in the economy that informs policy making (Razavi et al. 2012).

Global Financial Crisis

The world dramatically experienced some of the negative consequences of globalization during the food price crisis³ in 2008 and the global financial crisis of 2009. The origins of the global financial crisis lay in the weak governance and inadequate regulation of the finance market of several industrialized countries. This economic crisis began as a financial crisis in the developed world and reverberated throughout developing economies, primarily as a negative trade shock (Razavi et al. 2012). It is now recognized as the worst economic crash since the Great Depression (Foster and Magdoff 2009). The crisis emerged on the back of an intrinsically unsustainable global growth pattern characterized by strong consumer demand in the United States, that was funded by easy credit and booming house prices (Vos 2010). People in very large numbers in all regions and countries are suffering and feel uncertain, threatened, angry, and frustrated. According to the Food and Agriculture Organization (FAO), the number of people living in hunger in the world rose to over a billion in 2009, the highest on record (United Nations Department of Economic and Social Affairs 2011). The consequences for personal and family well-being, the welfare of societies, the stability of nations, and the credibility of national and multilateral governance are severe. The crisis occurred in a context of a dominant policy vision that overvalued the capacity of markets to regulate themselves; undervalued the role of the State; and devalued the dignity of work, respect for the environment, and the delivery of public goods. The prolonged global financial crisis clearly shows an interconnectedness of financial markets (Claessens 2010) that has led to significant employment losses in many countries. Persistent high unemployment and poverty is a result of the economic crisis, representing a major setback to global efforts to reduce poverty. It takes, on average, almost five years for the unemployment rate to return to its pre-crisis level. Persistent high unemployment at nearly 9 % remains the Achilles heel of economic recovery in most developed countries (United Nations 2012). In developing countries, most job losses have occurred in the export sectors (UNDESA 2011). Of great concern has been the rise in vulnerable employment and the number of working poor,⁴ as people who lost their jobs in the formal economy have increasingly moved to the informal economy where jobs are poorly paid and offer little or no protection. When jobs are not available, demand for social protection increases significantly, and prolonged employment crises carry major risks for social and political stability.

Prior to the global financial crisis, there was already persistent high poverty and economic informality, as well as worsening income inequality and weakening

³ The food price crisis is the result of increases in the price of staple foods that leads to a decrease in real income for vulnerable households.

⁴ The working poor are employed but live in households where individual members live below the established measure of income poverty. Despite working, the working poor cannot earn enough to get out of poverty.

middle classes in an international context of major social and economic imbalances. For indigenous groups, unemployment has tended to be higher than the average for the general population, and this situation has worsened since the crisis (UNDESA 2011). While wealth was being created, too few people and countries were sharing the benefits. While the labour force continues to grow, with many young adults seeking employment, the crisis may lead to a prolonged job deficit after the economy recovers. As inequalities by income, gender, location, and age are on the rise in all countries—low and middle income, as well as developed—structural transformation is ongoing in the global economy (ILO 2012). Over the past three decades women’s access to paid work has increased in most countries, yet their access to employment-related social protection instruments such as maternity leave, health insurance, unemployment insurance, old age pension, and childcare services remains limited (Razavi et al. 2012). Recent estimates by the ILO suggest that around 75–80 % of the world’s population has no access to basic social protection (ILO 2011).

Many countries recognize that there is no “one size fits all” approach to the challenges of globalization. Many countries have put in place massive financial rescue packages and large stimulus packages, estimated at over 20 trillion dollars (Vos 2009). The crisis has prompted major policy rethinking everywhere. There is a deep dispute about whether the broad neo-liberal framework of the last 25 years should be replaced with something new or whether it just needs some patching; on the other side are those arguing for a more far-reaching reconstruction of economies and societies, the green movement in particular calling for a more sustainable system (Gambe 2010). There is broad agreement that the recovery cannot be a return to the same practices of the failed financial business model with the outcomes of globalization benefiting some but being unfair to many. The crisis illustrates the interconnectedness of the global economy and has undermined claims that globalization will ensure generalized prosperity (Perraton 2011). Many are calling for a new deal to reshape the global economy in order to find a more sustainable path (Vos 2010). The foundation for a ‘new’ globalization is based on sustainable, fair, and environmentally sound economic and social development in open economies and open societies. It is increasingly being recognized that economic security requires not only earnings and wages, but also social protection at the core of recovery policies.⁵ This can include support for job seekers through well-designed unemployment benefits, active labour market programs to avoid the risk of long-term unemployment and social exclusion, supportive measures for young people and disadvantaged youth, increased investment in employment-intensive infrastructure and public goods, investment in the green economy, and a shift to lower carbon development.⁶

⁵ In many cases the recovery is characterized with unemployment and underemployment at unacceptably high levels.

⁶ Types of low carbon development include green economy and green lifestyle initiatives to reduce carbon emissions (McCulloch and Sumner 2009).

The crisis has demonstrated the fragility of recent progress in reducing extreme poverty. The global financial crisis, and the resulting global economic crisis, affects the livelihoods of billions around the world and endangers progress toward the poverty reduction and other Millennium Development Goals (Vos 2009).

Progress and Constraints in Achieving the Millennium Development Goals (MDGs)

In September 2000, 189 heads of state adopted the UN Millennium Declaration and endorsed a framework for development. The plan called for countries and development partners to work together to address some of the core issues of international development such as poverty, hunger, ill-health, gender inequality, lack of education, lack of access to clean water, and environmental degradation. The plan established eight Millennium Development Goals (MDGs), with targets set for 2015, and identified a number of indicators to monitor progress.

Millennium Development Goals

- Goal 1: to eradicate extreme poverty and hunger
- Goal 2: to achieve universal primary education
- Goal 3: to promote gender equality and empower women
- Goal 4: to reduce child mortality
- Goal 5: to improve maternal health
- Goal 6: to combat HIV/AIDS, malaria, and other diseases
- Goal 7: to ensure environmental sustainability
- Goal 8: to develop a global partnership for development.

In the context of globalization and the recent global financial crisis, the MDGs that looked to a more prosperous future for the planet's most disadvantaged people only a few years ago are unlikely to be met (Dominelli 2010). Since the global financial and economic crisis the perceived successes, failures, strengths, and weaknesses in the pursuit of the MDGs have worsened in many developing countries (Chibba 2011).

The United Nations Development Programme (UNDP) developed the report, *Beyond the Midpoint: Achieving the Millennium Development Goals*, to assess what it will take to accelerate progress towards the goals around the world. Achieving the MDGs is now all the more challenging because the development environment is more threatened now than it has been at any time in the recent past, due to the global economy, a food crisis, and the impacts of climate change, all of which all affect efforts to reduce poverty and to attain the MDGs more broadly (UNDP 2010a). Based on thirty country-level assessments and consultations with stakeholders, the report found that there are four key areas that shape MDG

achievement at the country level: policy choices and their coherence; governance and capacity deficits; fiscal constraints; and political will (UNDP 2010a). Human development gains are vulnerable to reversals during economic downturns and in times of conflicts and natural disasters. The progress towards the MDGs varies across targets and regions; there is a need to reduce vulnerability to shocks while working to make communities more resilient and sustainable in the long-term.

While there is still time to work towards the targets, there is evidence that a new development paradigm is required by many countries to address the magnitude and depth of new challenges to social and economic development (Chibba 2011). Policy recommendations include focusing attention on specific sectors to accelerate progress towards the MDGs, instituting well-designed social protection, maintaining continuity and quality of services in health and education, introducing and maintaining effective monitoring mechanisms, and maintaining a long-term perspective (Conceição et al. 2011).

Social Impacts

The social impact of globalization and concerns vary significantly across countries, depending on their current economic situation, exposure to specific impacts, and capacity to respond (Institute of Development Studies 2008). Where countries already struggle with poverty, inequality, poor nutrition, and low education achievements, further economic setbacks could be disastrous for vulnerable populations (Patel 2009). Rising food and fuel prices sparked riots and social turbulence in over 30 countries around the world (Patel 2009). Poverty and unemployment have been linked to crime; gender-based violence; substance abuse; and mental illness, including depression and suicide (UNDESA 2011). Deprivations in well-being in terms of health status and access to health care are key dimensions of poverty (UNDESA 2011). Of particular concern is the potential impact on children's health, education, and overall development (Patel 2009). Failure to protect vulnerable populations could result in permanent negative social impacts. For example, in children could suffer physical stunting and reduced intellectual growth from a lack of access to adequate nutritional food, health, and education. Poor households face shocks related to their personal circumstances, from ill health, deaths, or job losses (Hossain 2009). The social impacts on workers in the informal sector, especially poor and vulnerable women and their children, continue to need to be addressed (Hossain et al. 2010).

It has been observed that social indicators decline more rapidly during economic downturns than they improve during periods of high growth; this asymmetry can lead to different social outcomes in diverse countries depending upon their growth (UNDESA 2011). In today's world of increased interdependence, there are many complex challenges that need to be addressed. A rapidly ageing world population, the catastrophic threat of climate change, continued widespread poverty and social exclusion, and civil conflicts and wars in many parts of the world are some examples.

These challenges call for a new transformative agenda to place economic and social dimensions at the center. This will require vision and leadership of governments and international organizations to give substance to a new social contract that strikes a balance between achieving greater global equity for the present generation, prosperity and peace, and intergenerational equity to ensure sustainable development for future world populations, and overcoming the threats of climate change (Vos 2010). What is striking is that there are countries taking important steps to build their national defined social protection floors. Chapter 5 considers social protection floor initiatives in Argentina, India, South Africa, and Thailand, and how these examples are contributing to social and economic development.

Austerity measures in response to high government debt in some countries, such as Greece and Spain, threaten public sector employment and social expenditure and make recovery more uncertain and fragile (UNDESA 2011). Rising unemployment and falling wages can exacerbate tensions among social groups. For example, anti-immigrant sentiment is rising in some countries (the Russian Federation and South Africa), and calls for restrictive immigration have been proposed in some countries in the European Union (UNDESA 2011).

The severe shortcoming of the macroeconomic policy agenda to generate employment and eradicate poverty has led to renewed interest in social policies and social protection programs. Moments of crisis also present windows of opportunity (McCulloch and Sumner 2009). No social or economic order is secure if it fails to benefit the majority of those who live under it. This demands nothing less than what European political philosophers in the seventeenth and eighteenth centuries called a social contract: an implicit understanding among members of a community to cooperate for mutual benefit, along with formal rules and institutional mechanisms to help build trust, balance competing interests, manage disputes, and provide a fair distribution of the rewards that are generated (Vos 2010).

Social protection programs contribute to the reduction of poverty and inequality, help households manage risks, reduce the incidence and impact of shocks, and build human capital (UNDP 2010b). The onset of the global financial and economic crisis has resulted in calls for social protection and safety nets for those most affected and those most at risk (Patel 2009).

Governments must take into account the likely social implications of their economic policies. It has been shown that economic policies considered in isolation from their social outcomes can have dire consequences for poverty, employment, nutrition, and health and education, and subsequently can adversely affect long-term sustainable development.

Agreement in Nine United Nations Joint Initiatives

On April 5, 2009, the UN system endorsed nine initiatives. The nine initiatives aim to assist countries and the global community to confront the global financial crisis; accelerate recovery; and build a fair and inclusive globalization allowing for

sustainable economic, social, and environmental development for all while facing the future in a spirit of conviction of the need for transformational change (United Nations System Chief Executive Board for Coordination 2009).

UN System Joint Crisis Initiatives

Initiative 1: additional financing for the most vulnerable

Initiative 2: food security

Initiative 3: trade

Initiative 4: a green economy initiative

Initiative 5: a global jobs pact

Initiative 6: a social protection floor

Initiative 7: humanitarian, security and social stability

Initiative 8: technology and innovation

Initiative 9: monitoring and analysis.

The Social Protection Floor is part of the agreement of the UN System Joint Crisis Initiatives (Behrendt 2010) and promotes universal access to essential social transfers and services. A Social Protection Floor (Initiative 6) aims to ensure access to services, shelter, empowerment, and protection of the poor and vulnerable (United Nations System Chief Executives Board for Coordination 2009).

Rationale

A social protection floor is important to all countries. This is particularly the case with regard to the most vulnerable segments of the population and the least developed countries in each region. Overall social protection coverage is particularly low in many developing countries. Support is needed to protect those fundamental elements of society—education, nutrition, health, social services, the sciences, culture, communication, and protection against natural disasters—that make human development possible but which are often the first to be hit in a recession.

The “Social Protection Floor” Initiative is based on the premise that, once undone, progress on development goals cannot easily be recovered without considerable re-investment and political re-commitment. Human development is a long-term investment. The aim of this initiative, therefore, is to advocate for and advise on the provision of a social protection floor and public resource spending in ways that will both kick-start growth and support more inclusive and sustainable social and economic development.

In countries that currently lack strong social security and income support programs, a social protection floor consisting of a basic package of social transfers, combined with actions to guarantee that the poor and vulnerable have access to adequate and affordable sources of nutrition and needed social and health services,

is critical to mitigating the poverty and welfare fall-out of the crisis, while at the same time providing a significant stimulus to the economy. Widespread support is gathering for the policy position that countries can grow with equity. There is now evidence that economic growth that does not include a concept for equity and equality is not sustainable in the long run (United Nations System Chief Executives Board for Coordination 2009).

The “Social Protection Floor” Initiative sees the current crisis as an opportunity to encourage and support countries to review policies and strategies for social transfers and access to needed services, aligning them along the principles of inclusion, equity, and social justice as a major way of investing out of the crisis and achieving long-term stability. Chapter 3 examines the social protection floor and Recommendation No. 202 in greater detail, as well as the concept of social protection, related human rights and social justice frameworks, and the role of social development, social determinants of health, and other related concepts in detail.

The International Labour Organization and the World Health Organization are the lead agencies for the Social Protection Floor initiative.

Discussion and Conclusion

Many have called for greater national and international engagement in social protection policies as an effective tool for poverty reduction. The international community should advocate and support the development of a social protection floor to protect people during the crisis and after the crisis (Somavia *n.d.*). The Social Protection Floor Initiative is the focus of this book, and the concept of social protection as protecting a minimum level of access to essential services and income security for all along with the gradual realization of human rights on social protection, is further explored in Chap. 2. The Social Protection Floor consists of access to essential services and access to social transfer (see Chap. 3). The repercussions of the global financial and economic crisis have helped to push social protection measures higher on the international agenda. Increasing attention has been given to the growing number of successful programs in developing countries on various dimensions of human development (Barrientos and Hulme 2008). Chapter 5 presents five case studies of social protection initiatives in Argentina, India, South Africa, and Thailand.

The deteriorating economic conditions facing many people around the world calls for social protection to reduce vulnerability and poverty. Multiple crises have set back the progress many countries have made towards achieving the internationally-agreed upon development goals, including the MDGs. In 2009, half of the world’s workers—nearly 1.53 billion people—were in vulnerable employment⁷

⁷ Vulnerable employment is defined as less formal work arrangements that lack elements of decent work, such as social security, health benefits and recourse to social dialogue or effective collective bargaining mechanisms.

(UNDESA 2011). The global economic downturn has had wide-ranging negative social outcomes for individuals, families, communities and societies, and its impact on social progress in areas such as education and health will only become fully evident over time. During times of financial and economic crisis, households often adopt coping strategies, such as making changes in household expenditure patterns; however, these can negatively influence education, health, and nutrition outcomes, which may lead to deficits for the children affected and perpetuate the intergenerational transmission of poverty (UNDESA 2011).

Social protection is a useful way of describing a range of policy interventions that protect the vulnerable against livelihood risks (Davies and McGregor 2009). With the rising prominence of the social protection agenda, many governments have taken steps to address the social fallouts of economic liberalization that keep many people—especially women—in poverty despite long hours of paid and unpaid work.

Recent experience suggests that countries that have national social protection programs in place are likely to be in a better position to cope with crisis (Davies and McGregor 2009). Increased social spending and improved social protection systems have cushioned the impact in many countries (UNDESA 2011). As challenging as it has been, the crisis nevertheless offers an opportunity for achieving social progress by making universal social protection a reality, revisiting the social aspects of globalization, and ensuring more inclusive and sustained growth in line with sustainable development and a commitment to achieving economic development, social progress, and environmental sustainability (UNDESA 2011). Social protection plays a vital role in strengthening the resilience of children, families and communities, achieving greater equity, and supporting national human and economic development (Winder and Yablonski 2012). The relevance of social protection is heightened in the face of persistent inequalities, recent trends, and the recent global financial crisis.

References

- Barrientos, A., & Hulme, D. (Eds.). (2008). *Social protection for the poor and poorest: Concepts, policies and politics*. New York: Palgrave Macmillan.
- Behrendt, C. (2010). Crisis, opportunity and the social protection floor. *Global Social Policy*, 10(2), 162–164. Accessed May 16, 2012 from doi:[10.1177/14680181100100020106](https://doi.org/10.1177/14680181100100020106).
- Chibba, M. (2011). The millennium development goals: Key current issues and challenges. *Development Policy Review*, 29(1), 75–90. Accessed May 16, 2012 from doi: [10.1111/j.1467-7679.2011.00514.x](https://doi.org/10.1111/j.1467-7679.2011.00514.x).
- Claessens, S. (2010). The financial crisis: Policy challenges for emerging markets and developing countries. *The Journal of Applied Economic Research*, 4(2), 177–196. Accessed May 8, 2012 from doi: [10.1177/097380101000400203](https://doi.org/10.1177/097380101000400203).
- Conceição, P., Mukherjee, S., & Nayyar, S. (2011). Impacts of the economic crisis on human development and the MDGs in Africa. *African Development Review*, 23(4), 439–460. Special Issue: Rethinking African Economic Policy in Light of the Global Economic and Financial Crisis. Accessed May 16, 2012 from doi: [10.1111/j.1467-8268.2011.00298.x](https://doi.org/10.1111/j.1467-8268.2011.00298.x).

- Davies, M., & McGregor, J. A. (2009). *Social protection: Responding to a global crisis*. Institute of Development Studies. Report. March 31 2009. Accessed May 8, 2012 from <http://www.ids.ac.uk/files/dmfile/SocialProtectionDaviesandMcGregor.pdf>.
- Dominelli, L. (2010). *Social work in a globalizing world*. Cambridge: Polity Press.
- Foster, J. B., & Magdoff, F. (2009). *The great financial crisis*. New York: Monthly Review Press.
- Gamble, A. (2010). The political consequences of the crash. *Political Studies Review*, 8(1), 3–14. Accessed May 8, 2012 from doi: [10.1111/j.1478-9302.2009.00202.x](https://doi.org/10.1111/j.1478-9302.2009.00202.x).
- Held, D., McGrew, A., Goldblatt, D., & Perraton, J. (1999). *Global transformations*. Stanford: Stanford University Press.
- Hossain, N. (2009). *Voices of the poor in the current crises (IDS in focus policy briefing 7.3)*. Institute of Development Studies. Accessed May 18, 2012 from <http://www.ids.ac.uk/files/dmfile/IFPBFInCrisis7.3FINAL.pdf>.
- Hossain, N., Fillaili, R., Lubaae, G., Mulumbi, M., Rashid, M., & Tadros, M. (2010). *The social impacts of crisis findings from community-level research in five developing countries*. Institute of Development Studies. Accessed May 18, 2012 from <http://www.ids.ac.uk/files/dmfile/SocialImpactsofCrisisreport5.pdf>.
- Institute of Development Studies. (2008). *Voices from the south: The impact of the global financial crisis on developing countries*. Accessed May 18, 2012 from http://www.ids.ac.uk/files/Voices_from_the_South_Report.pdf.
- International Labour Organization. (2008, June 10). *ILO Declaration on Social Justice for a Fair Globalization*. Accessed September 4, 2012 from http://www.ilo.org/global/meetings-and-events/campaigns/voices-on-social-justice/WCMS_099766/lang-en/index.htm.
- International Labour Organization. (2011). *Social security for social justice and a fair globalization*. Report VI, International Labour conference, 100th Session. ILO, Geneva.
- International Labour Organization. (2012, June 25). *Structural transformation and employment*. Accessed September 4, 2012 from http://www.ilo.org/global/meetings-and-events/events/WCMS_184088/lang-en/index.htm.
- McCulloch, N., & Sumner, A. (2009). Will the global financial crisis change the development paradigm? *IDS Bulletin*, 40(5), 101–108. Special issue: Policy response to the global financial crisis. Accessed May 8, 2012 from doi:[10.1111/j.1759-5436.2009.00078.x](https://doi.org/10.1111/j.1759-5436.2009.00078.x).
- Patel, M. (2009). Economic crisis and children: An overview for East Asia and the Pacific. *Global Social Policy*, 9(1 suppl), 33–54. Accessed May 18, 2012 from doi:[10.1177/1468018109106884](https://doi.org/10.1177/1468018109106884).
- Perraton, J. (2011). The scope and implications of globalization. In J. Michie (Ed.), *The handbook of globalisation* (2nd ed., pp. 60–86). Cheltenham: Edward Elgar Publishing.
- Razavi, S., Arza, C., Braunstein, E., Cook, S., & Goulding, K. (2012). *Gendered impacts of globalization employment and social protection* (No. 16). Gender and Development Programme, United Nations Research Institute for Social Development. United Nations Research Institute for Social Development. Accessed May 10, 2012 from [http://www.unrisd.org/80256B3C005BCCF9/httpNetITFramePDF?ReadForm&parentunid=6E16D1DC33F5D82BC12579D000478859&parentdoctype=paper&netitpath=80256B3C005BCCF9/\(httpAuxPages\)/6E16D1DC33F5D82BC12579D000478859/\\$file/Dfidpaper.pdf](http://www.unrisd.org/80256B3C005BCCF9/httpNetITFramePDF?ReadForm&parentunid=6E16D1DC33F5D82BC12579D000478859&parentdoctype=paper&netitpath=80256B3C005BCCF9/(httpAuxPages)/6E16D1DC33F5D82BC12579D000478859/$file/Dfidpaper.pdf).
- Rodrik, D. (1997). *Has globalization gone too far?*. Washington, DC: Institute for International Economics.
- Scheuerman, W. (Summer 2010). Globalization. In E. N. Zalta (Ed.), *The Stanford encyclopedia of philosophy* (Summer 2010 Edition) Accessed September 4, 2012 from <http://plato.stanford.edu/archives/sum2010/entries/globalization/>.
- Somavia, J. (n.d.) *The global financial crisis and its impact on the work of the UN system*. United Nations System Chief Executives Board for Coordination. Accessed May 16, 2012 from <http://www.undg.org/docs/10783/CEB-Issues-Paper.pdf>.
- United Nations. (2012). *World economic situation and prospects 2012*. Accessed May 8, 2012, http://www.un.org/en/development/desa/policy/wesp/wesp_current/2012wesp.pdf.

- United Nations Department of Economic and Social Affairs. (2011). *The global social crisis: Report on the world social situation 2011*(ST/ESA/334). Accessed August 17, 2012 from <http://social.un.org/index/LinkClick.aspx?fileticket=v0LQqd2FT3k%3d&tabid=1561>.
- United Nations Development Programme. (2010a). *Beyond the midpoint: Achieving the millennium development goals*. Accessed May 16, 2012 from http://content.undp.org/go/cms-service/stream/asset/?asset_id=2223855.
- United Nations Development Programme. (2010b). *What will it take to achieve the millennium development goals? An international assessment*. Accessed May 16, 2012 from http://www.undp.org/content/dam/aplaws/publication/en/publications/MDG/international-assessment—english-full-version/IA_English.pdf.
- United Nations System Chief Executives Board for Coordination. (2009). *Global financial and economic crisis: UN system joint crisis initiatives*. Accessed May 16, 2012 from <http://www.undg.org/docs/10783/UN-System-Joint-Crisis-Initiatives,-16-Sept-2009.pdf>.
- Vos, R. (2009). *The trillion dollar plan* (Policy Brief No. 13). United Nations Department of Economic and Social Affairs. March 2009. Accessed May 8, 2012 from http://www.un.org/en/development/desa/policy/publications/policy_briefs/policybrief13.pdf.
- Vos, R. (2010). The crisis of globalization as an opportunity to create a fairer world. *Journal of Human Development and Capabilities*, 11(1), 143–160. Accessed May 7, 2012 from doi: 10.1080/19452820903504599.
- Winder, M., & Yablonski, J. (2012). *Integrated social protection systems: Enhancing equity for children* (social protection strategic framework). Accessed June 8, 2012 from http://www.unicef.org/socialprotection/framework/files/UNICEF_Social_Protection_Strategic_Framework_full_doc_std%281%29.pdf.
- World Health Organization. (2012). *Globalization*. Accessed September 4, 2012 from <http://www.who.int/topics/globalization/en/>.

Chapter 2

International Instruments

Abstract This chapter introduces several international human rights instruments that support social protection. Reviews of the Universal Declaration of Human Rights, International Labour Organization's Conventions on Social Security, Convention on the Rights of the Child, Convention on the Rights of Persons with Disabilities, and the Universal Declaration on the Rights of Indigenous Peoples illustrate how these key initiatives support social protection. The appendices provide useful excerpts from these human rights instruments.

Keywords Human rights • Social security • Children's rights • Disability • Indigenous people • United Nations

Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) was proclaimed by the United Nations General Assembly on 10 December 1948. The UDHR contains a preamble and 30 articles, and the full document can be found in the appendices of this book. The preamble states the reasons for the declaration, and the articles list the universal rights applicable to everyone.

Following the Second World War, the creation of the United Nations (UN) signaled the international community's commitment to prevent atrocities in the future. The UDHR is agreed to be the foundation of international human rights law and an inspiration in addressing injustices and working towards achieving universal enjoyment of human rights. There is universal recognition that basic rights and freedoms are inherent to all human beings, inalienable and equally applicable to everyone, and that every one of us is born free, with dignity and rights.

There are three specific articles in the UDHR that apply to social security and social protection.

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 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work, and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 25

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 Commission on Human Rights is the UN body that is charged with monitoring human rights and evaluating various complaints.

International Covenant on Economic, Social, and Cultural Rights

Building upon the UDHR, the International Covenant on Economic, Social, and Cultural Rights (ICESCR) was adopted in 1966 (United Nations General Assembly 1966). A copy of the document can be found in the appendices of this book. It is this Covenant that covers the right to social security and various human rights on economic, social, and cultural conditions.¹ Specifically, Article 9 states the following:

¹ The International Covenant on Economic, Social and Cultural Rights entered into force on 3 January 1976.

Article 9

States recognize the right of everyone to social security, including social insurance.

Article 9 provides a broad approach to social security. Social insurance is a contributory or insurance-based scheme that involves compulsory contributions from beneficiaries, employers, and sometimes the State, along with the payment of benefits and administrative expenses from a common fund. The literature is divided as to whether social assistance is covered by Article 9; some maintain it was deliberately left open to be comprehensive in order to include social assistance (Riedel 2007).

A human rights approach allows individual and/or groups to claim access to basic services and income and obligates government and the world community to work towards the realization of these rights. Over time, international human rights treaties have become more focused and specialized on specific issues and social groups in need of protection. The enforcement of human rights generally depends on the goodwill or interest of individual countries (Reichert 2011).

ILO Conventions on Social Security

The International Labour Organization (ILO) is the UN agency in charge of implementing the right to social security. It was Article III(f) of the International Labour conference, 26th session, 1944, which recognized the solemn obligation of the ILO to further programs of social security among the nations of the world. The Declaration of Philadelphia of 1944 called for “the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care.”²

The ILO’s Conventions on social security adopted before the Second World War have been revised and superseded by new and more comprehensive Conventions, providing a distinction between the ‘social insurance era’ and the ‘social security era’ during and after it (Otting 1993).

The ILO conventions on social security are the main reference for the content and components of this right to social security. The ILO Convention No. 102, Social Security (Minimum Standards) Convention of 1952, has played an important role in the extension of social security. Convention No. 102 covers nine branches of social security: (1) medical care, (2) sickness benefit, (3) unemployment benefit, (4) old-age benefit, (5) employment injury benefit, (6) family benefit, (7) maternity benefit, (8) invalidity benefit, and (9) survivors’ benefit. Because of

² Declaration concerning the aims and purposes of the International Labour Organization, annex to the Constitution of the ILO, Section III (f) (United Nations Economic and Social Council 2007).

its importance for human dignity, the realization of the right to social security should be given priority in law and policy, even if it has significant financial implications for States.

In 2001 the International Labour Conference, composed of representatives of States, employers, and workers, affirmed that social security is a basic human right and a fundamental means for creating social cohesion.

Convention on the Rights of the Child

On November 29, 1989, the UN General Assembly adopted the Convention on the Rights of the Child, which specifies the basic rights that every child should enjoy. The convention specifically references social welfare of the child. “Children are entitled to adequate health care (art. 24); treatment for mental health (art. 25); social security (art. 26); an adequate standard of living, including nutrition, clothing, and housing (art. 27); and primary education (art. 28)” (Reichert 2011).

The Convention on the Rights of the Child contains many human rights with the intent of protecting children and promoting their well-being (Reichert 2011). Two articles that speak to social protection; Article 26 and Article 27 (United Nations General Assembly 1989).

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral, and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child’s development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In

particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

The United Nations' Committee on the Rights of the Child (2006) notes with concern that even the most basic standards of living is not assured for millions of young children, despite widespread recognition of the adverse consequences of deprivation, and further argues that implementing children's rights to benefit from social security, including social insurance, is an important element of any strategy.

Convention on the Rights of Persons with Disabilities

The Convention on the Rights of Persons with Disabilities consists of 50 articles addressing civil and political, economic, social, and cultural rights. Article 28 recognizes the right to adequate standard of living and social protection (United Nations General Assembly 2006).

Article 28

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.
2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:
 - a. To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;
 - b. To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;
 - c. To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability related expenses, including adequate training, counselling, financial assistance and respite care;
 - d. To ensure access by persons with disabilities to public housing programmes;
 - e. To ensure equal access by persons with disabilities to retirement benefits and programmes.

It is estimated that at least 85 percent of the approximately 700 million persons with disabilities live in developing countries, often in extreme poverty (World

Bank 2011). Persons with disabilities face discrimination and social exclusion, and for this reason are more likely to experience poverty than their non-disabled peers (World Bank 2011). Article 28 notes the particular need to pay attention to the ability of women and girls with disabilities, and older persons with disabilities, to access benefits and programmes aimed at ensuring an adequate standard of living (World Bank 2011).

Universal Declaration on the Rights of Indigenous Peoples

The United Nations Declaration on the Rights of Indigenous Peoples was adopted on September 13, 2007, after more than two decades of negotiations between governments and Indigenous peoples' representatives. The Declaration establishes a universal framework of minimum standards for the survival, dignity, well-being and rights of the world's Indigenous peoples (Office of the UN High Commissioner of Human Rights 2012).

Article 21 addresses the right to the improvement of Indigenous peoples' economic and social conditions. Article 22 speaks to the right to access all social and health services.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, all social and health services.
2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

The UN Declaration represents a major turning point for the recognition and protection of Indigenous peoples' rights within the United Nations and international legal system. It is the only human rights instrument created with the participation of the rights holders themselves, and specifically recognizes that Indigenous peoples' rights are both collective and individual.

Discussion and Conclusion

The right to social security has been developed through universally negotiated and accepted instruments that establish social security as a fundamental right to which every human being is entitled (Kulke 2007). The Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and other instruments discussed in this chapter all contain provisions for the right to social security.

By becoming parties to international treaties, States assume obligations and duties under international law to respect, to protect and to fulfill human rights. Through ratification of international human rights treaties, Governments undertake to put into place domestic measures and legislation compatible with their treaty obligations and duties (United Nations n.d.). The domestic legal system provides the principal legal protection of human rights guaranteed under international law. All United Nations member States have ratified at least one of the nine core international human rights treaties, and 80 percent have ratified four or more, giving concrete expression to the universality³ of the UDHR and international human rights (United Nations n.d.).

The right to social security and social protection is an important component for economic and social development. While social security constitutes a basic right for all, many populations around the world still lack access to adequate levels of social protection. The Committee on Economic, Social and Cultural Rights expressed concern over the low levels of access to social security with a large majority (about 80 per cent) of the global population currently lacking access to formal social security (UN ECOSOC 2007).

References

- Donnelli, J. (2007). The relative universality of human rights. *Human Rights Quarterly*, 29, 281–306.
- Kulke, U. (2007). The present and future role of ILO standards in realizing the right to social security. *International Social Security Review*, 60(2–3), 119–141. doi: [10.1111/j.1468-246X.2007.00272.x](https://doi.org/10.1111/j.1468-246X.2007.00272.x). Accessed 26 May 2012.
- Office of the United Nations High Commissioner of Human Rights. (2012). *Declaration on the rights of indigenous peoples*. <http://www.ohchr.org/EN/IssueOfs/IPeoples/Pages/Declaration.aspx>. Accessed 6 June 2012.
- Otting, A. (1993). International labour standards: A framework for social security. *International Labour Review*, 132(2), 163–171.
- Reichert, E. (2011). *Social work and human right: A foundation for policy and practice* (2nd ed.). New York, NY: Columbia University Press.

³ Jack Donnelly explores ‘universal’ human rights by considering functional, international legal, overlapping consensus universality, and space for national, regional, cultural particularity and other forms of diversity and relativity. See Donnelli (2007).

- Riedel, E. (2007). The human right to social security: Some challenges. In E. Riedel (Ed.), *Social security as a human right drafting a general comment on Article 9 ICESCR—some challenges* (pp. 17–28). Berlin, Heidelberg: Springer.
- United Nations, Committee on Economic, Social and Cultural Rights. (2007). *General comment No. 19: The right to social security (E/C.12/GC/19)*. United Nations Economic and Social Council. <http://www.unhcr.org/refworld/pdfid/47b17b5b39c.pdf>. Accessed 26 May 2012.
- United Nations, Committee on the Rights of the Child. (2006). *General comment No. 7: implementing child rights in early childhood (CRC/C/GC/7/Rev.1)*. United Nations Convention on the Rights of the Child. <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/GeneralComment7Rev1.pdf>. Accessed 29 May 2012.
- United Nations General Assembly. (1948). *Universal declaration of human rights (A/RES/217 (III))*. <http://www.un.org/en/documents/udhr/index.shtml>. Accessed 7 September 2012.
- United Nations General Assembly. (1966). *International covenant on economic, social and cultural rights (A/RES/2200 (XXI))*. <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/005/03/IMG/NR000503.pdf?OpenElement>. Accessed 22 May 2012.
- United Nations General Assembly. (1989). *Convention on the rights of the child (A/RES/44/25)*. <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/547/84/IMG/NR054784.pdf?OpenElement>. Accessed 22 May 2012.
- United Nations General Assembly. (2006). *Convention on the rights of persons with disabilities (A/RES/61/106)*. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/500/79/PDF/N0650079.pdf?OpenElement>. Accessed 22 May 2012.
- United Nations. (n.d). *The foundation of international human rights law*. http://www.un.org/en/documents/udhr/hr_law.shtml. Accessed 26 May 2013.
- World Bank. (2011). *Social protection (Article 28)*. Disability and Development. <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALPROTECTION/EXTDISABILITY/0,contentMDK:20194090~menuPK:419409~pagePK:148956~piPK:216618~theSitePK:282699,00.html>. Accessed 26 May 2012.

Chapter 3

Definition of the Social Protection Floor

Abstract This chapter defines the social protection floor and further explores the concept of social protection. Human rights and social justice frameworks that inform the social protection floor are examined. The concepts of social development, social determinants of health, and social risk management are reviewed.

Keywords Social protection • Social protection floor initiative • Human rights • Social justice • Risk • Social development • Social determinants of health • Social risk management

What is a Social Protection Floor?

The United Nations is leading the Social Protection Floor Initiative grounded in the right to social and essential services. In August 2010 the International Labour Organization (ILO) convened a Social Protection Floor Advisory Group to explore how a social protection floor can provide for a fair and inclusive globalization. The report identifies how the notion of the social protection floor is grounded in the principles of social justice; in the universal right of everyone to social security; and to a standard of living adequate for the health and well-being of people and their families, including food, clothing, housing, medical care, and necessary social services (Social Protection Floor Advisory Group 2011: 9). The adoption of Recommendation No. 202 on the social protection floor is a key development.

Recommendation No. 202

The International Labour Conference's 101st session, organized by the International Labour Organization, met on May 30, 2012, and resulted in a recommendation concerning national floors of social protection. Recommendation No. 202

was adopted on June 14, 2012, which is cited as the Social Protection Floors Recommendation, 2012. The recommendation includes two parts: (1) the commitment of Member States towards national social protection floors; and (2) recommendations regarding the implementation of national social protection floors.

Paragraph 1 provides guidance to Members to:

- (a) establish and maintain, as applicable, social protection floors as a fundamental element of their national social security systems; and
- (b) implement social protection floors within strategies for the extension of social security that progressively ensure higher levels of social security to as many people as possible, guided by ILO social security standards.

Paragraph 2 provides the following definition of social protection floors:

2. For the purpose of this Recommendation, social protection floors are nationally-defined sets of basic social security guarantees that secure protection aimed at preventing or alleviating poverty, vulnerability and social exclusion. Such guarantees may be achieved through contributory or non-contributory schemes, whether means tested or not. (p. 8)

Paragraph 4 discusses the importance of guarantees for social security at the national level; the subsequent paragraph outlines what those guarantees should be.

4. Members should put in place and complete as rapidly as possible, and maintain, their social protection floors comprising basic social security guarantees. The guarantees should ensure at a minimum that, over the life cycle, all in need have access to essential health care and to basic income security, which together secure effective access to goods and services defined as necessary at the national level. (p. 10)

5. The social protection floors referred to in Paragraph 4 should comprise at least the following basic social security guarantees:

access to a nationally defined set of goods and services, constituting essential health care, including in the case of maternity;

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;

basic income security, at least at a nationally defined minimum level, for persons in active age who are unable to earn sufficient income, including in case of sickness, unemployment, maternity, and disability; and

basic income security, at least at a nationally defined minimum level, for persons in old age. (p. 10)

Recommendation 202 further stipulates that national social protection floors should be established as quickly as possible and/or maintained to comprise basic social security guarantees over the life cycle to ensure all in need have access to essential health care and to basic income security. Monitoring progress in implementing social protection floors is stated in Paragraph 19 to collect, compile, analyze and publish a range of social security data, statistics and indicators, to inform social security strategies, policies, and practices.

The social protection floor approach is the first step towards higher levels of social protection. As economies grow, it is understood that further expansion in the

levels of protection should be considered and envisaged. In countries with already-existing comprehensive but segmented social protection systems, the floor approach should not be seen as a way to weaken levels of protection, but as part of the process of filling any coverage gaps and promoting policy coherence across social policies (Social Protection Floor Advisory Group 2011). For example, the Royal Government of Cambodia published its National Social Protection Strategy in 2011, in order to ensure a basic guarantee of social protection for the entire population through both targeted general revenue-funded services to the poor and social insurance schemes (ILO 2012: 15). This can be achieved by integrating employment and social protection policies. The objective is to move away from isolated interventions to a coherent, connected portfolio of programs.

The ILO and World Health Organization's (2009) joint report outlines the need for a coherent system-wide approach towards implementation of social protection (p. 2). The report defines the social floor as an existing notion of core obligations, to ensure the realization of, at the very least, minimum essential levels of rights embodied in human rights treaties. "A social protection floor could consist of two main elements that help to realize respective human rights: essential services ensuring the availability, continuity, and access to public services (such as water and sanitation, adequate nutrition, health, education and family-focused social work support); and social transfers, a basic set of essential social transfers, in cash and in-kind, paid to the poor and vulnerable to enhance food security and nutrition, provide a minimum income security and access to essential services, including education and health care" (ILO and WHO 2009: 2).

Concept of Social Protection

Ideological forces and their role in social policy have led to the concept of social protection being defined and understood in different ways. A useful definition of social policy is provided by Ortiz (2007: 6): "social policy is often defined as social services such as education, health, employment, and social security; however, social policy is also about redistribution, protection and social justice." The concept of social protection emerged out of an earlier social safety nets agenda, which was a prominent feature of the development policy in the 1980s and 1990s, and ideas from European social security systems from the late 1800s (Devereux et al. 2012). Social protection is considered to have its own conceptual framework drawing from social risk management, transformative social protection, and the social protection floor approaches.

The Report of the Committee for the Recurrent Discussion on Social Protection (2011: 69) defines social protection as "containing basic social security guarantees that ensure that over the life cycle all in need can afford and have access to essential health care and have income security at least at a nationally defined minimum level."

Cichon et al. (2011: 5) offer this definition of the social protection floor: “A social protection floor seeks to guarantee access to nationally defined baskets of essential goods, services, and income transfers that ensure that people are not hungry, do not suffer from treatable illnesses, do not remain uneducated, do not have to resort to unsafe water, and do not remain homeless. It is based on the straightforward idea that people who have access to a basic set of goods, services, and transfers are lifted out of poverty or vulnerability and can become more productive contributors to the economy” (Cichon et al. 2011: 5).

In their report, Brunori and O’Reilly (2010: 12) provide the following working definition of social protection: “social protection is the specific set of public actions to address the vulnerability of people’s life via social insurance, offering protection against risk and adversity throughout life; via social assistance, offering payments to support and enable the poor; and via social inclusion efforts that enhance the capability of the marginalized to access social insurance and assistance.”

Similarly, Gentilini and Were Omamob (2011: 331) explore three broad components of social protection—transfers, insurance and social services—and they argue these are often underpinned by a fourth pillar, including rights and legislation, introduced to empower and enhance the status of disadvantaged, marginalized, or vulnerable members in societies.

UNICEF defines social protection as the set of public and private policies and programs aimed at preventing, reducing, and eliminating economic and social vulnerabilities to poverty and deprivation (Winder and Yablonski 2012: 13).

The concept of social protection is further defined in the academic literature. There is often confusion around the terms ‘social protection,’ ‘social insurance,’ ‘social welfare,’ and ‘social safety nets,’ which are sometimes used interchangeably (Devereux et al. 2012: 14). For example, various terms are used to refer to the concept of social protection such as ‘social security,’ ‘economic security,’ ‘income security,’ ‘income protection,’ ‘income transfers,’ ‘cash transfers,’ ‘transfer payments,’ ‘social transfers,’ ‘tax-funded benefits,’ ‘entitlements,’ and ‘welfare,’ among others (Midgley 2012: 9–10). “Social protection refers to the public actions taken in response to levels of vulnerability, risk and deprivation which are deemed socially unacceptable within a given polity or society” (Norton et al. 2002: 543).

Economic growth and social protection are linked in other definitions, such as Sabates-Wheeler and Devereux’s (2007: 25) “social protection describes all initiatives that transfer income or assets to the poor, protect the vulnerable against livelihood risks, and enhance the social status and rights of the marginalized; with the overall objectives of extending the benefits of economic growth and reducing the economic or social vulnerability of poor, vulnerable and marginalized people.”

Social protection embodies society’s responses to levels of either *risk* or *deprivation* that are deemed unacceptable, and underpinning the operation of social protection systems is a social consensus (which may be implicit or explicit) on fundamental values concerning acceptable levels and security of access to the means of meeting basic needs and fulfilling basic rights (United Nations Economic and Social Council, Commission for Social Development, 39th Session 2001).

Secure access to income, livelihood, employment, health and education services, and nutrition and shelter, are some of the measures of a multidimensional understanding of social protection. Values of social solidarity, civility and fraternity, as well as responsibility and self-help, underlie social protection. Social protection deals with both the absolute deprivation and vulnerabilities of the poorest and also with the need of the currently non-poor for security in the face of shocks and life-cycle events (particularly ageing). The nature of the policy response may involve a range of different institutions: central or local government, civil society (voluntary or membership associations, trade unions, NGOs) and the private sector.

The existence of social protection can be recognized as one of the great social achievements. As an important objective of social policy in many countries, social protection is often seen as a fundamental right of individuals to access effective and efficient programs that alleviate hardship arising from social risks, such as sickness, old age, unemployment, and social exclusion, as well as programs that secure income of the population through food security, job training, supplementary education, and affordable housing (United Nations Economic and Social Council, Commission for Social Development, 39th Session 2001).

A broad understanding of social protection allows for interpretation in relation to societies, nations, social groups, and economies. The social protection floor is a systematic attempt to operationalize a rights-based approach to social protection, where each country can set priorities and establish social policy choices.

Human Rights and Social Justice Frameworks

The recognition of the right to social security has been developed through universally-negotiated and -accepted instruments that proclaim that social security is a fundamental societal right to which every human being is entitled. This principle can be found in Articles 22 and 25 of the Universal Declaration of Human Rights; Article 9 of the International Covenant on Economic, Social and Cultural Rights; and the Social Security (Minimum Standards) Convention, 1952 (No. 102). The full range of human rights is relevant for social protection (Shepherd et al. 2005: 7); human rights are moral claims to equal and just treatment (Thomson 2007). Human rights and social justice frameworks are relevant to social protection because they are both concerned with actions to ensure that everyone has an equal chance of living a life of dignity and fulfilling their human potential. A full review of relevant human rights instruments can be found in [Chap. 2](#) of this book, with key references in the appendices.

The question of how to provide a meaningful form of social security to the majority of the world's population and to ensure that the human right to social security can be made a reality has been the subject of global debate. According to the International Labour Organization (ILO), social security or a system of social transfer benefits represents one of the most effective tools to combat poverty and

vulnerability in any society (ILO 2009b). While the majority of the global population lives in conditions of social insecurity, with little or no access to formal social security beyond relying on families, kinship groups, or communities to secure their standard of living, OECD countries have shown that social security is a powerful tool to alleviate poverty and inequality. Extensive analysis shows that well-designed social protection programs can affordably help households manage risks, improve nutrition, health and education outcomes for children, create access to better jobs, empower girls and women, and promote greater equity (World Bank 2012).

The ILO unanimously adopted the *ILO Declaration on Social Justice for a Fair Globalization* on 10 June 2008. The ILO seeks social justice worldwide through the promotion of the Decent Work concept for all by setting international labour standards. The Declaration reflects a consensus on the need for a strong social dimension to globalization in achieving improved and fair outcomes for all (ILO 2008). “Recognizing that achieving an improved and fair outcome for all has become even more necessary in these circumstances to meet the universal aspiration for social justice, to reach full employment, to ensure the sustainability of open societies and the global economy, to achieve social cohesion and to combat poverty and rising inequalities” (ILO 2008: 6).

Social security is a staircase to social justice (ILO 2009b: 43). Social justice exists when all members of a society have the same basic rights, protection, opportunities, obligations, and social benefits (Barker cited in Lundy and van Wormer 2007). Chu et al. (2009: 287) assert “social justice is pursued by challenging societal barriers, inequalities and injustices.” Global social justice is concerned with global poverty and economic inequalities; environmental issues; discrimination and diverse forms of exploitation based on ethnicity, gender, race, class, age, religion, physical ability, sexual orientation, and so on. The geographical, historical, social, political and economic interdependencies of the world, including the mutually-reinforcing injustices and inequalities between nation-states, call for a critical re-examination of the causes of world poverty. The fundamental values of freedom, human dignity, social justice, security, and non-discrimination are essential for sustainable economic and social development.

Sabates-Wheeler and Devereux (2008) argue that transformative social protection needs to respond to the economic needs of individuals and households and their social risks and vulnerabilities. Strategies and responses to chronic, structural, and social vulnerability require a transformative element, where ‘transformation’ refers to the need to pursue policies that integrate individuals equally into society, allowing everyone to take advantage of the benefits of growth and enabling excluded or marginalized groups to claim their rights (Sabates-Wheeler and Devereux 2008: 68–70). The social protection floor can provide a foundation for citizenship based on protection from vulnerability and hardship, prevention of deprivation, security to take livelihood and economic risks and promote opportunity, freedom from the structural causes of vulnerability, and transformation in social relations, and expanded democratic space (Thomson 2007: 59).

Sustainable development can only be achieved in any country by investing in social justice, which informs the process called “Growing with Equity” (ILO 2009b: 35). The mantra “grow first, distribute later” is no longer recognized in the development policy debate. Recent literature demonstrates that the neoliberal approach favoring economic growth first and then the benefits trickle down to relieve poverty is inadequate to lift poor households above the poverty threshold (ILO 2009b; Correll 2008). The importance of social transfers in development was recognized at numerous international conferences and meetings, including the 2007 G8 Labour and Employment Ministers’ Conference in Dresden (ILO 2009b).

The social protection floor could be considered as part of a new global contract in that it guarantees that all workers and citizens have the capacity to participate in economic, social, political, and cultural life (van Ginneken 2011: 111–112).

Social Development

The World Summit for Social Development was held on 6–12 March 1995 in Copenhagen, Denmark. Here, world leaders signed the Copenhagen Declaration and adopted a Program of Action. The concept of social development is positioned in terms of the economic, political, social, cultural, and legal environments, and does not separate the social sphere from the economic sphere. The Copenhagen vision is a very integrated approach that recognized poverty eradication, the importance of promoting full and productive employment, and enhancing social integration. To address the deepening gaps between the rich and poor, and the benefits of globalization bypassing many, Copenhagen sought to make development more people-centred.

Article 1 of the Copenhagen Declaration for Social development states: “For the first time in history, at the invitation of the United Nations, we gather as heads of State and Government to recognize the significance of social development and human well-being for all and to give to these goals the highest priority both now and into the twenty-first century” (United Nations 1995: 5).

Article 5 recognizes that social development and social justice are indispensable: “We share the conviction that social development and social justice are indispensable for the achievement and maintenance of peace and security within and among our nations” (United Nations 1995: 5).

The Declaration affirms the central role of social development to the needs and aspirations of people throughout the world and to the responsibilities of Governments and all sectors of civil society. In both economic and social terms, the most productive policies and investments are those that empower people to maximize their capacities, resources, and opportunities (United Nations 1995: 5).

The goals and objectives of social development require continuous efforts to reduce and eliminate major sources of social distress and instability for the family and for society with particular focus and priority attention given to global conditions that pose severe threats to the health, safety, peace, security,

and well-being of people (United Nations 2005: 8). Conditions include chronic hunger; malnutrition; illicit drug problems; organized crime; corruption; foreign occupation; armed conflicts; trafficking; terrorism; intolerance and incitement to racial, ethnic, religious and other hatreds; xenophobia; and endemic, communicable, and chronic diseases (United Nations 1995: 8). Ten years after the World Summit for Social Development, the UN referred to social development as the well-being of the person and the harmonious functioning of society, including improvements in individual and family well-being through the enjoyment of human rights, the provision of economic opportunities, the reduction of poverty, and access to social protection and social services (United Nations 2005: 5).

Social security is integral to economic development. In fact, social development and economic development are inextricably linked; when one occurs without the other, distorted development will occur (Mapp 2008). Midgley (1995: 25) defines social development as “a process of planned social change designed to promote the well-being of the population as a whole in conjunction with a dynamic process of economic development.” For example, the decent work approach combines labour market and social protection policies to achieve social and economic goals rather than focus on one single policy objective. Because economic growth does not necessarily bring about social well-being, a conscious perspective on social development is needed as disadvantaged groups can suffer and even deteriorate during times of economic development (Ka-ying et al. 2010: 631).

The social development approach requires that economic development result in tangible improvements in social well-being for all (Midgley 1999: 180). It is an approach that has been utilized in developing countries for many years. According to Gray (2010) the cornerstones of social development are social investment, asset-based community development, anti-professional stance, strengths and empowerment perspectives, social enterprise models, centralized economic planning models and development model approaches.

The significance of the economic dimensions for society rests not on their intrinsic economic merits but rather on how they best promote productive activities to satisfy human social needs (United Nations 2005). Poverty eradication, promotion of full employment and social integration require a multidimensional response and multifaceted approach. The integration of social, economic, cultural, and political aspects into social development is considered essential for an enabling environment conducive to human dignity, human rights, freedoms, and social justice (United Nations 2005: 7). The struggle for social justice and equality continue to dominate the political landscape from the local to the global level.

Social Determinants of Health

The Commission on Social Determinants of Health of the World Health Organization (WHO) published its report in August 2008, calling for renewed and sustained action to achieve greater health equity. The Report condemns disparities in

life opportunities and health status between rich and poor countries and between the rich and the poor within countries (Chapman 2011). The Report recommends improving the conditions of daily life, tackling the inequitable distribution of power, money and resources, and measuring the problem, evaluating action, expanding the knowledge base, developing a workforce that is trained in the social determinants of health, and raising public awareness about the social determinants of health (Commission on Social Determinants of Health 2008: 2).

There is a need for national governments to pay attention to the impact that their policies have on health. The social determinants of health address the universal pattern of health inequity and the imperative, driven by a sense of social justice, to make better and more-equal health a global goal (Bell et al. 2010: 471). Wilkinson and Marmot (2003: 11) found that “good health involves reducing levels of educational failure, reducing insecurity and unemployment and improving housing standards; societies that enable all citizens to play a full and useful role in the social, economic and cultural life of their society will be healthier than those where people face insecurity, exclusion and deprivation.” While health and health equity may not be the aim of all social and economic policies, they will be a fundamental result (Marmot et al. 2008: 1661). “At all levels of income, health and illness follow a social gradient: the lower the socioeconomic position, the worse the health” (Marmot et al. 2008: 1661).

The social determinants of health are the immediate and structural conditions in which people are born, grow, live, work, and age (Chapman 2011: 137). Inequalities reflect the unequal distribution of power, income, goods, and services, globally and nationally, and are then translated into inequitable social policies and programs, unfair economic arrangements, and bad policies (CSDH 2008: 1). The poor, the vulnerable, the marginalized, the excluded, and those disadvantaged by historical exploitation and persistent inequity present a moral and practical focus for action (Chapman 2011: 139).

There are systematic differences in health outcomes that exist between individuals and groups by income, education, occupation, race/ethnicity, gender, and geographical location of residence both within and between countries, that are determined socially rather than biologically, and are consequently avoidable and therefore inequitable (Bell et al. 2010: 472). “People further down the social ladder usually run at least twice the risk of serious illness and premature death as those near the top” (Wilkinson and Marmot 2003: 10). It is a matter of social justice and social development.

The social protection floor has an important impact on health equity. Social protection systems are associated with better population health, including lower excess mortality among elderly people and lower mortality among socially disadvantaged groups (Marmot et al. 2008: 1664). Specifically, “universal social protection systems are an important component of policies that seek to enable healthy living for all across the life course in rich and poor countries alike” (CSDH 2008: 92). The Commission on Social Determinants of Health recommends that governments establish and strengthen universal comprehensive social protection policies that support a level of income sufficient for “health living” for

all (Marmot et al. 2008: 1664). “Extending social protection to all people, within countries and globally, will be a major step towards securing health equity within a generation” (CSDH 2008: 84). Thailand’s Universal Coverage Scheme is presented in [Chap. 5](#) on extending universal health coverage as a social protection initiative.

Social Risk Management

Social risk management is a conceptual framework developed by the World Bank in the 1990s. The framework acknowledges that individuals, households and communities are vulnerable to diverse risks, ranging from natural to man-made risks and from health to political risks. The world is increasingly becoming interconnected and risky, with economic shocks and epidemics flowing across national borders (World Bank 2012). Poverty relates to vulnerability; the poor are typically more exposed to risk while they have limited access to appropriate risk management instruments (Holzmann and Jørgensen 2000: 3). The social risk management framework argues that access to better instruments to manage risk is both an end and a means to development (Holzmann and Kozel 2007).

The main elements of the social risk management framework consist of risk management strategies (risk reduction, mitigation, and coping); risk management arrangements by level of formality (informal, market-based, and publicly provided or mandated); and actors in risk management (from individuals, households, communities, NGOs, market institutions, government, to international organizations and the world community at large) (Holzmann and Jørgensen 2000). Risk matters for human and economic development (Holzmann and Kozel 2007).

Social protection and public actions can assist individuals, households, and communities to cope with diverse risks. For example, emergency food aid, social grants, and public works projects are used in the absence of effective risk reduction and mitigation measures, or after these have failed or have been exhausted (Devereux et al. 2012). The World Bank’s approach to social protection recognizes that certain groups are more exposed and vulnerable, and that risks are often mutually reinforcing (Holzmann et al. 2003: 13).

Critiques of the social risk management framework argue that it is a neoliberal social policy framework that places primacy on individual responsibility before collective action and ignores social risks (McKinnon 2002; Devereux et al. 2012; Lund 2008). Human beings are by nature risk-averse and place a high value on safety and security (ILO 2009: 7). Worldwide, people are striving to improve their livelihoods in the face of multiple risks and access opportunities. Today, social protection and labor systems, programs and policies buffer individuals from shocks and equip them to improve their livelihoods and create opportunities to build a better life for themselves and their families, and provide a foundation for inclusive growth, social stability, improve resilience and equity (World Bank 2012). The World Bank’s new social protection and labour strategy (2012–2022) for the

next decade provides a strategic direction and principles to help improve resilience, equity, and opportunity for people in both low- and middle-income countries and to develop more harmonized systems for social protection and labor. Social protection and labor programs include social assistance (social safety nets) such as cash transfers; school feeding and targeted food assistance; social insurance such as old-age and disability pensions and unemployment insurance; and labor market programs such as skill-building programs, job-search and matching programs, and improved labor regulations (World Bank 2012).

Social Inclusion

Social inclusion can be understood to promote the full participation of all citizens in society and economy, including access to public services and facilities. Social inclusion is a complex and multidimensional concept (European Social Watch Report 2010). Since 2010 the European Union has called for more effective and efficient social protection and social inclusion (Council of the European Union 2010a: 5). The Europe 2020 Strategy acknowledges the interdependence of economic, employment and social cohesion policies, and aims to promote social inclusion by reducing poverty (Council of the European Union 2010b: 3). In Sweden, universal welfare is the foundation of social protection and social inclusion. The objective of the Swedish social model is to promote social cohesion, equality between men and women and equal opportunities for all through adequate, accessible, financially sustainable, adaptable and efficient social protection systems and social inclusion policies (Government Offices of Sweden 2010: 8).

The Canadian Council on Social Developments considers the concept of social inclusion as a multi-faceted measure of well-being in society:

A social inclusion framework focuses attention on the differential life experiences of all citizens within a community and in so doing, highlights the need to remove barriers to equal participation, free from discrimination. A socially inclusive society is one that develops the talents and capacities of all members, promotes inclusive participation in all walks of life, actively combats individual and systemic discrimination, and provides valued recognition to groups such as ethno-racial communities (Scott 2010: 29).

Discussion and Conclusion

The adoption of the Social Protection Floor concept reflects the emergence of a new socioeconomic development paradigm (Cichon et al. 2011). In reviewing these and other definitions, there seems to be a consensus evolving on social protection as having social assistance to reduce poverty, safety nets to help the poor cope with shocks, social insurance (contributory schemes) to manage risk,

and a normative function for social justice for social inclusion (Devereux et al. 2012: 14). Social protection is broadly understood as a set of public and private policies and programs undertaken by societies in response to various contingencies in order to offset the absence or substantial reduction of income from work, provide assistance for families with children, and provide people with health care and housing (United Nations Economic and Social Council, Commission for Social Development, 39th Session 2001).

The social protection floor is a systematic attempt to operationalize a rights-based approach to social protection, where each country can set its own priorities and establish their own social policy choices. Social protection has become central in the development agenda of the last decade. The next chapter considers the role of adaptive social protection in strengthening resilience to the impacts of climate change and natural disasters.

References

- Bell, R., Taylor, S., & Marmot, M. (2010). Global health governance: Commission on social determinants of health and the imperative for change. *The Journal of Law, Medicine and Ethics*. doi:10.1111/j.1748-720X.2010.00506.x. Accessed 17 June 2012.
- Brunori, P., & O'Reilly, M. (2010). Social protection for development: A review of definitions, paper prepared in the framework of the European Report on development 2010. <http://erd.eui.eu/media/BackgroundPapers/Brunori.pdf>. Accessed 8 June 2012.
- Cichon, M., Behrendt, C., & Wodsak, V. (2011). The UN social protection floor initiative turning the tide at the ILO conference 2011. International Policy Analysis. <http://library.fes.de/pdf-files/iez/07814.pdf>. Accessed 7 June 2012.
- Chapman, A. (2011). Missed opportunities: The human rights gap in the report of the commission on social determinants of health. *Journal of Human Rights*, 10(2), 132–150. doi:10.1080/14754835.2011.568914. Accessed 17 June 2012.
- Chu, W. C. K., Tsui, M., & Yan, M. (2009). Social work as moral and political practice. *International Social Work*, 52(3), 287–298.
- Correll, D. (2008). The politics of poverty and social development. *International Social Work*, doi:10.1177/0020872808090239. Accessed 7 May 2012.
- Commission on Social Determinants of Health (CSDH). (2008) Closing the gap in a generation: Health equity through action on the social determinants of health: Final Report of the Commission on Social Determinants of Health (Geneva: World Health Organization). http://whqlibdoc.who.int/publications/2008/9789241563703_eng.pdf. Accessed 17 June 2012.
- Council of the European Union. (2010a, February 15). Draft joint report on social protection and social inclusion 2010. <http://ec.europa.eu/social/main.jsp?catId=750&langId=en>. Accessed 27 May 2013.
- Council of the European Union. (2010b, May 21). Europe 2020 strategy—social protection committee contribution. <http://ec.europa.eu/social/main.jsp?catId=750&langId=en>. Accessed 27 May 2013.
- Devereux, S., Eide, W.B., Hoddinott, J., Lustig, N., & Subbarao, K. (2012, March 19). Social protection for food security. A zero draft consultation paper. www.fao.org/cfs/cfs-hlpe. Accessed 8 June 2012.
- European Social Watch Report. (2010). Measuring social inclusion. http://www.socialwatch.eu/wcm/measuring_social_inclusion.html. Accessed 27 May 2013.

- Gentilini, U., & Were Omamob, S. (2011). Social protection 2.0: Exploring issues, evidence and debates in a globalizing world. *Food Policy*. doi:10.1016/j.foodpol.2011.03.007. Accessed 7 May 2012.
- Government Offices of Sweden. (2010). Sweden's strategy report for social protection and social inclusion 2008–2010. <http://www.abuel.org/docs/16swedstrategy.pdf>. Accessed 27 May 2013.
- Gray, M. (2010). Social development and the status quo: professionalisation and third way co-optation. *International Journal of Social Welfare*,. doi:10.1111/j.1468-2397.2009.00714.x.
- Holzmann, R., & Jørgensen, S. (2000). Social risk management: A new conceptual framework for social protection and beyond (Social Protection Discussion Paper Series, No. 0006). <http://siteresources.worldbank.org/SOCIALPROTECTION/Resources/SP-Discussion-papers/Social-Risk-Management-DP/0006.pdf>. Accessed 20 June 2012.
- Holzmann, R., & Koziel, V. (2007). The role of social risk management in development: A World Bank view. *IDS Bulletin*,. doi:10.1111/j.1759-5436.2007.tb00364.x. Accessed 8 June 2012.
- Holzmann, R., Sherburne-Benz, L., & Tesliuc, E. (2003). Social risk management: The World Bank's approach to social protection in a globalizing world. World Bank <http://siteresources.worldbank.org/SOCIALPROTECTION/Publications/20847129/SRMWBApproachtoSP.pdf>. Accessed 8 June 2012.
- International Labour Conference, 101st Session. (2012). Recommendation concerning national floors of social protection (No. 202). <http://www.social-protection.org/gimi/gess/ResShowResource.do?resourceId=31088>. Accessed 17 August 2012.
- International Labour Conference, 97th Session. (2008). ILO declaration on social justice for a fair globalization. http://www.ilo.org/wcmsp5/groups/public/@dgreports/@cabinet/documents/publication/wcms_099766.pdf. Accessed 17 August 2012.
- International Labour Organization. (2012). Toward integrated employment and social protection policies. http://www.ilo.org/wcmsp5/groups/public/—ed_protect/—secsoc/documents/publication/wcms_secoc_34711.pdf. Accessed 26 May 2013.
- International Labour Organization & World Health Organization. (2009). The social protection floor: A joint crisis initiative of the UN Chief Executive Board for Co-ordination on the social protection floor. <http://www.un.org/en/ga/second/64/socialprotection.pdf>. Accessed 8 June 2012.
- International Labour Organization, Social Security Department. (2009b). Social security for all: Investing in social justice and economic development (Paper 7). <http://www.ilo.org/gimi/gess/ResShowResource.do?resourceId=10177>. Accessed 13 June 2012.
- Ka-ying Wong, T., Wan, P., & Wing-kin Law, K. (2010). The public's changing perceptions of the condition. *Social Policy and Administration*,. doi:10.1111/j.1467-9515.2010.00732.x. Accessed 7 May 2012.
- Lund, F. (2008). Social protection and the labour market: Towards a research agenda. *IDS Bulletin*, 39(2), 87–92.
- Lundy, C., & van Wormer, K. (2007). Social and economic justice, human rights and peace: The challenges for social work in Canada and the USA. *International Social Work*, 50(6), 727–739.
- Mapp, S. C. (2008). *Human rights and social justice in a global perspective: An introduction to international social work*. NY: Oxford University Press.
- Marmot, M., Friel, S., Bell, R., Houweling, T. A., & Taylor, S. (2008). Closing the gap in a generation: health equity through action on the social determinants of health. *Lancet*,. doi:10.1016/S0140-6736(08)61690-6. Accessed 17 June 2012.
- McKinnon, R. (2002). Social risk management: A conceptual fallacy of composition. *Risk Management*, 4(2), 21–31. <http://www.jstor.org/stable/3867754>. Accessed 20 June 2012.
- Midgley, J. (1995). *Social development: The developmental perspective in social welfare*. London: Sage Publications.
- Midgley, J. (1999). *Social welfare in global context*. London: Sage Publications.
- Midgley, J. (2012). Social protection and social policy: Key issues and debates. *Journal of Policy Practice*,. doi:10.1080/15588742.2012.624061. Accessed 15 June 2012.

- Norton, A., Conway, T., & Foster, M. (2002). Social protection: Defining the field of action and policy. *Development Policy Review*,. doi:10.1111/1467-7679.00189. Accessed 7 June 2012.
- Ortiz, I. (2007). Social policy: National development strategies', Policy Notes, p. 6. New York: United Nations Development Programme, United Nations Department of Economic and Social Affairs. http://esa.un.org/techcoop/documents/PN_SocialPolicyNote.pdf. Accessed 19 November 2012.
- Sabates-Wheeler, R., & Devereux, S. (2008). Transformative social protection: Currency of social justice. In A. Barrientos & D. Hulme (Eds.), *Social protection for the poor and the poorest: Concepts, policies, and politics* (pp. 64–84). NY: Palgrave Macmillan.
- Sabates-Wheeler, R., & Devereux, S. (2007). Social protection for transformation. *IDS Bulletin*,. doi:10.1111/j.1759-5436.2007.tb00368.x. Accessed 8 June 2012.
- Scott, K. (2010, November). Community Vitality: A report of the Canadian Index of Wellbeing. https://uwaterloo.ca/canadian-index-wellbeing/sites/ca.canadian-index-wellbeing/files/uploads/files/CommunityVitality_DomainReport.sflb_.pdf. Accessed 27 May 2013.
- Shepherd, A., Marcus, R., & Barrientos, A. (2005). Policy paper on social protection. <http://www.odi.org.uk/resources/docs/1670.pdf>. Accessed 13 June 2012.
- Social Protection Floor Advisory Group. (2011). Social protection floor for a fair and inclusive globalization. <http://www.ilo.org/public/english/protection/secsoc/downloads/bachelet.pdf>. Accessed 22 May 2012.
- Thomson, K. (2007). A universal social minimum as a foundation for citizenship. *IDS Bulletin*,. doi:10.1111/j.1759-5436.2007.tb00377.x. Accessed 8 June 2012.
- United Nations Economic and Social Council, Commission for Social Development, 39th Session. (2001). Enhancing social protection and reducing vulnerability in a globalizing world: Report of the Secretary-General (E/CN.5/2001.2). <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N00/792/23/PDF/N0079223.pdf?OpenElement>. Accessed 8 June 2012.
- United Nations. (1995). Report of the World Summit for Social Development (A/CONF.166/9). http://www.un.org/ga/search/view_doc.asp?symbol=A/CONF.166/9. Accessed 14 June 2012.
- United Nations. (2005). Social summit ten years later. <http://www.un.org/esa/socdev/publications/SocialSummit-10YearsLater.pdf>. Accessed 14 June 2012.
- van Ginneken, W. (2011). Social protection, the millennium development goals, and human rights. *IDS Bulletin*,. doi:10.1111/j.1759-5436.2011.00282.x.
- Wilkinson, R., & Marmot, M. (Eds.). (2003). *Social determinants of health: The solid facts*. (2nd ed). http://www.euro.who.int/__data/assets/pdf_file/0005/98438/e81384.pdf. Accessed 21 June 2012.
- Winder, M., & Yablonski, J. (2012). Integrated social protection systems: Enhancing equity for children (Social Protection Strategic Framework). http://www.unicef.org/socialprotection/framework/files/UNICEF_Social_Protection_Strategic_Framework_full_doc_std%281%29.pdf Accessed 8 June 2012.
- World Bank. (2012). Resilience, equity, and opportunity. The World Bank 2012–2022 social protection and labor strategy. <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALPROTECTION/0,contentMDK:23043115~pagePK:210058~piPK:210062~theSitePK:282637,00.html> Accessed 20 November 2012.

Chapter 4

Adaptive Social Protection

Abstract Adaptive social protection is a term used to better understand how social protection can reduce vulnerability to the impacts of climate change and disasters. Climate change and disasters present many challenges to sustainable social and economic development. Adaptive social protection instruments can enhance individual, household, and community resilience; reduce poverty and promote human development; and can be delivered on a large scale in support of disaster risk reduction and management. This chapter provides an overview of climate change and disasters, adaptation and mitigation, environmental change, social protection and sustainable adaptation, the concept of sustainable development, and a risk-adjusted social protection floor.

Keywords Adaptive social protection • Climate change • Disasters • Adaptation • Mitigation • Environment • Social change • Sustainable development

Climate Change and Disasters

The United Nations Framework Convention on Climate Change (1992) acknowledges that change in the Earth's climate and its adverse effects are a common concern of humankind. Scientific research has demonstrated that human activities have been substantially increasing the concentrations of carbon dioxide in the atmosphere over the past several centuries, resulting in an increase in greenhouse gases and warming the Earth's surface and atmosphere.

Article 1 of this Convention provides the following definition:

2. "Climate change" means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods (United Nations 1992: 3).

The United Nations Conference on Sustainable Development (RIO+20) was held on 20–22 June 2012 in Rio de Janeiro, Brazil. The Conference renewed commitment to sustainable development and to ensuring the promotion of an economically, socially, and environmentally sustainable future for our planet and for present and future generations. The term ‘sustainable development’ was first used by the 1987 Brundtland Commission and is defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (United Nations International Strategy for Disaster Risk Reduction 2009: 29).

RIO+20 produced *The Future We Want* (A/CONF.216/L.1), a report that renews political commitment, the role of the green economy in the context of sustainable development, and poverty eradication, and provides a framework for action and follow-up. The following paragraphs show the links to social protection.

Paragraph 23 reaffirms the importance of supporting developing countries in their efforts to eradicate poverty and promote empowerment of the poor and people in vulnerable situations, including promoting full and productive employment and decent work for all, complemented by effective social policies, *including social protection floors*, with a view to achieving the internationally agreed development goals, including the Millennium Development Goals (United Nations Conference on Sustainable Development 2012a: 5). There are many aspects of vulnerability arising from various physical, social, economic, and environmental factors. Vulnerability varies significantly within a community and over time and calls for local and contextualized interventions.

Paragraph 25 acknowledges that climate change is a cross-cutting and persistent crisis. The scale and gravity of the negative impacts of climate change threaten the viability and survival of all nations, developing countries in particular, undermining their ability to achieve sustainable development. Urgent and ambitious actions are needed to combat climate change, in accordance with the principles and provisions of the United Nations Framework Convention on Climate Change (UNCSD 2012a: 5).

Paragraph 58 affirms that green economy policies in the context of sustainable development and poverty eradication should:

(n) Address the concern about inequalities and promote social inclusion, *including social protection floors* (UNCSD 2012a: 11).

Paragraph 107 recognizes that promoting universal access to social services can make an important contribution to consolidating and achieving development gains. *Social protection* systems that address and reduce inequality and social exclusion are essential for eradicating poverty and advancing the achievement of the Millennium Development Goals, and initiatives are aimed at enhancing *social protection* for all people (UNCSD 2012a: 21).

Paragraph 186 reaffirms commitment to the Hyogo Framework for Action 2005–2015: Building the Resilience of Nations and Communities to Disasters¹ and calls for States, the United Nations system, the international financial institutions, subregional, regional, and international organizations, and civil society to accelerate implementation of the Framework and the achievement of its goals (UNCSD 2012a: 35).

Paragraph 188 stresses the importance of stronger inter-linkages among disaster risk reduction, recovery, and long-term development planning, and for more coordinated and comprehensive strategies that integrate disaster risk reduction and climate change adaptation considerations into public and private investment, decision-making, and the planning of humanitarian and development actions, in order to reduce risk, increase resilience, and provide a smoother transition between relief, recovery, and development. In this regard, there is a need to integrate a gender perspective into the design and implementation of all phases of disaster risk management (UNCSD 2012a: 36).

Paragraph 190 reaffirms that climate change is one of the greatest challenges of our time as emissions of greenhouse gases continue to rise globally. All countries, particularly developing countries, are vulnerable to the adverse impacts of climate change and are already experiencing increased impacts, including persistent drought and extreme weather events, sea-level rise, coastal erosion, and ocean acidification, all of which further threaten food security and efforts to eradicate poverty and achieve sustainable development. Adaptation to climate change represents an immediate and urgent global priority (UNCSD 2012a: 36).

Paragraph 191 underscores that the global nature of climate change calls for the widest possible cooperation by all countries and for their participation in an effective and appropriate international response, with a view to accelerating the reduction of global greenhouse gas emissions (UNCSD 2012a: 36).

The UN Conference on Sustainable Development (RIO+20) stated, “environmental degradation and climate change contribute to the increasing occurrence of disasters linked to natural hazards. No country is immune, regardless of the level of economic and social development. However, the vulnerability of communities and societies to disasters caused by natural hazards is closely and inversely related to the level of social and economic development” (UNCSD 2012b: 1).

In this chapter the concept of adaptive social protection is introduced. Adaptive social protection and safety nets can significantly reduce community vulnerability in disaster-prone areas, protect households’ assets and ensure access to basic services in times of crises (United Nations Conference on Sustainable Development 2012b: 4). Yet there is a need for caution in labeling potentially vulnerable groups, who also bring capabilities, recognition, empowerment and equity in overcoming structural inequalities (Polack 2008).

¹ The Hyogo Framework for Action (HFA) is a 10-year plan to make the world safer from natural hazards (www.unisdr.org/we/coordinate/hfa).

Climate change is presenting the global community with one of its most serious challenges that threatens overall social and economic development goals. Anthropogenic climate change, or ‘global warming,’ is caused by increasing concentrations of greenhouse gases that trap heat in the atmosphere by preventing radiation from escaping into space (Richardson and Ward 2011). The main greenhouse gas, carbon dioxide (CO₂), is emitted when fossil fuels like coal and oil are burned. The impacts of climate change are being felt due to changes in climate variability and weather extremes that contribute to natural disasters. Increased attention in recent years on extreme weather events and their link to climate change is explored in the context of the 2012 monsoon floods in India, China, Pakistan and Nigeria, as well as the debilitating drought around the world partly responsible for a rise in food prices.

While climate change affects all countries, the impacts will be more strongly felt by people in the poorest countries and poor people in richer countries, vulnerable groups being more likely to suffer the most. Vulnerable groups tend to live in high-risk areas such as unstable slopes and flood plains, and often cannot afford well-built houses. Many of the groups’ livelihood depend on climate-sensitive sectors, such as agriculture and natural resources, and have little or no means to cope with the impacts of climate change due to low savings, lack of property insurance, and poor access to public services. Africa, small island states, and the Asian and African mega-deltas are likely to be particularly affected by climate change (UNISDR 2008: 3–4). Because the impacts of climate change are likely to increase in the coming years, and there is growing realization that vulnerable countries and communities will be disproportionately, adversely affected, much more attention is now being paid to adaptation than was previously the case, particularly by international development organizations (Huq and Reid 2004).

The United Nations Framework Convention on Climate Change (UNFCCC) stated there is a need to reduce global greenhouse gas (GHG) emissions to hold the increase in global average temperature below 2 °C above pre-industrial levels, which will require not only the fulfillment of current pledges but also transformative change towards a low carbon global economy (United Nations Environment Programme 2012a). Policy responses include removing environmentally harmful subsidies, especially on fossil fuels; carbon taxes; forestry incentives for carbon sequestration; emission trading schemes; climate insurance; capacity building and financing; climate change preparedness and adaptation, such as climate proofing infrastructure (UNEP 2012a).

The United Nations International Strategy for Disaster Reduction (UNISDR) (2009: 9) defines a disaster as:

A serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources.

Disasters are often described as a result of the combination of exposure to a hazard, the conditions of vulnerability that are present, and insufficient capacity or measures to reduce or cope with the potential negative consequences. The impacts

of disaster can include loss of life, injury, disease, and other negative effects on human physical, mental, and social well-being, together with damage to property, destruction of assets, loss of services, social and economic disruption, and environmental degradation (UNISDR 2009: 9). Disasters can have a huge impact on livelihoods and on people's ability to cope with further stresses.

In recent years, the impacts of natural disasters have affected hundreds of millions of people around the globe:

In 2010, 385 natural disasters killed more than 297,000 people worldwide, affected over 217.0 million others and caused US\$ 123.9 billion of damages. A total of 131 countries were hit by these natural disasters, though only 10 countries accounted for 120 of the 385 disasters (31.2 %). Similar to previous years, China, India, Philippines, United States and Indonesia were the countries most often hit by natural disasters (Guha-Sapir et al. 2011: 12).

Natural hazards by themselves do not cause disasters; it is the combination of an exposed, vulnerable, and ill-prepared population or community with a hazard event that results in a disaster (UNISDR 2008: 5). The increase in disasters, disaster casualties, and annual economic losses is partly explained by the growing scale and globalization of technological, economic, and social systems (Zakour 2012: 22).

Climate change will affect disaster risks by intensifying weather and climate hazards and by increasing the vulnerability of communities to natural hazards through ecosystem degradation, reductions in water and food availability, and changes to livelihoods (UNISDR 2008). Disasters disproportionately affect poor and socially marginalized populations, especially in less developed regions of the world where these communities also suffer greater numbers of disaster deaths and other casualties and lose a higher proportion of total household wealth compared with more affluent communities (Zakour 2012: 226).

Disaster risk management has conventionally been delivered through stand-alone projects and programs, and a number of governments are now adapting development mechanisms and instruments to reduce risks and strengthen resilience, including social protection (Global Assessment Report on Disaster Risk Reduction 2011). Disaster risk reduction is an integral part of local development, including social and economic development. The Global Assessment Report on Disaster Risk Reduction (2011: 119) states:

Existing social protection mechanisms can be adapted to protect vulnerable people before, during and after crises. Conditional transfers, temporary employment programmes and micro-insurance schemes are examples of such mechanisms, which can increase household resilience and buffer against the impacts of disasters. Reaching out to the vulnerable non-poor helps avoid the creation of more poverty, and has multiple benefits in terms of asset building and protection of human capital.

Conditional cash transfers to reduce structural poverty have been used in Latin America and the Caribbean (such as Brazil's Bolsa Familiar and Bolsa Escola). For example, Argentina's Universal Family Allowance, discussed in chapter five, is an example. Cash transfers provide a monthly payment from the government

conditional on meeting certain requirements that may include sending children to school, attending health check-ups and ensuring vaccinations are received, taking children out of work, and improving nutrition. While not designed to deal with disaster impacts, in an existing administrative structure these transfers can be adapted to reach those at risk of losing their assets in a disaster (Global Assessment Report on Disaster Risk Reduction 2011).

Temporary employment programs can strengthen individual and household resilience by providing income and an opportunity to build assets, which is linked to disaster risk reduction. Infrastructure programs to build roads or reforestation provide labour-intensive public service. India's Mahatma Gandhi National Rural Employment Guarantee Act is a wage employment program for households in rural areas and is presented in chapter five of this book.

Micro-insurance and micro-credit schemes can provide capital following disasters to help protect households from losses and recover from a loss. For example, micro-insurance can be adapted to the specific needs of risk-prone communities, such as Ethiopia's Disaster Insurance program for droughts (Global Assessment Report on Disaster Risk Reduction 2011: 125).

Vulnerability to climate change and not just climate change itself has become a factor that cannot afford to be ignored (Seck et al. 2005: 73). Both adaptation and mitigation are needed in responding to the impacts and risks associated with climate change.

Adaptation and Mitigation

The Intergovernmental Panel on Climate Change (IPCC) (2001) defines both adaptation and mitigation in its synthesis report:

Adaptation is an adjustment in natural or human systems to a new or changing environment. Adaptation to climate change refers to adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities. Various types of adaptation can be distinguished, including anticipatory and reactive adaptation, private and public adaptation, and autonomous and planned adaptation (IPCC 2001: 365).

Mitigation is defined as:

An anthropogenic intervention to reduce the sources or enhance the sinks of greenhouse gases (IPCC 2001: 379).

Today countries are engaging in a variety of adaptation and mitigation strategies to deal with the challenges of climate change. Mitigation efforts are typically driven by national initiatives operating within the context of international obligations, while adaptation to climate change tends to be more local and grounded in local and regional development.

Mitigation aims to address the root cause by reducing greenhouse gas emissions from human activity. The process of achieving this reduction is contentious

because it requires radical changes in the way many societies are organized, especially fossil fuel use, industry, urban development, and land use. Mitigation efforts include efficient furnace systems, developing new low-energy technologies for industry and transport, reducing consumption of energy-intensive products, and switching to renewable forms of energy, such as solar and wind power. Mitigation reduces concentrations, then climate change, then the impacts of climate change, and finally the required adaptation (Barker 2003: 6).

Adaptation takes place by human society in response to the environmental impacts of climate change on human and natural systems (Barker 2003). Adaptation can include preparing risk assessments, protecting ecosystems, improving agricultural methods, managing water resources, building settlements in safe zones, developing early warning systems, instituting better building designs, improving insurance coverage, developing social safety nets, and introducing social protection initiatives. These measures are intrinsically linked to sustainable development, as they reduce the risk to lives and livelihoods and increase the resilience of communities to all hazards (UNISDR 2008).

Climate justice is concerned with issues relating to equity and justice in the field of adaptation. For example, there is a discrepancy that those responsible for the majority of emissions (developed countries) have the highest adaptive capacity, while the poorest countries, who produce the least emissions, are the most vulnerable to the impacts of climate change. While climate change does not discriminate along lines of class, caste, age, sex, physical abilities, or financial insecurity, it exacerbates existing inequalities and drives those with poor adaptive capacity into deeper conditions of vulnerability to shocks and stresses (Polack 2008: 16).

The principle difference between these two response strategies is that mitigation attempts to prevent the climate change problem from occurring at all (or getting worse), while adaptation aims to cope with the problem of climate change impacts as they occur (Huq and Reid 2004). Ideally, adaptation and mitigation should be considered jointly; as some adaptation measures can contribute to reducing greenhouse gas emissions, while conversely mitigation measures can be planned to help reduce and not inadvertently exacerbate disaster risks. Governments, non-governmental organizations, local communities, and international development funding agencies are increasing their awareness of the potentially adverse impacts of climate change and are seeking to mainstream adaptation into social and economic development activities (Huq and Reid 2004). Mitigation and adaptation efforts need to be combined appropriately and linked with the sustainable development of communities by focusing on vulnerable populations, specifically those living in poverty (Laukkonen et al. 2009). The impacts of climate change on vulnerable individuals and communities are not simply determined by the location of their settlements, but also by how those settlements are serviced, how effective and capable their local governments are, and to what extent communities are able to cope with climate change impacts (Laukkonen et al. 2009). Complex vulnerabilities require comprehensive responses that link adaptation and mitigation to sustainable social and economic development in the context of social protection.

The complexity presented by climate change needs to be addressed by a portfolio of diverse adaptation and mitigation actions, with decisions taken at different governance levels, such as individual, households, farmers, and private firms, to national planning agencies and international agreements (Klein et al. 2007). Both adaptation and mitigation are important for reducing the risks associated with climate change, for limiting the adverse effects of change, and for adapting to unavoidable change (Martens et al. 2009). A holistic and integrated approach is required to link vulnerability, adaptation, and mitigation in order to combine different dimensions and disciplinary perspectives in policy and practice (Martens et al. 2009).

Environmental Change

Human beings have always depended completely on the Earth's ecosystems for food, water, climate regulation, spiritual fulfillment, and enjoyment. Over the past 50 years, humans have changed these ecosystems more rapidly and extensively than in any comparable period of time in human history, largely to meet rapidly growing demands for food, fresh water, timber, fiber, and fuel. This transformation of the planet has contributed to substantial net gains in human well-being and economic development. But not all regions and groups of people have benefitted from this process; in fact, many have been harmed. Despite many legally binding and non-legally binding goals and objectives adopted by over 500 multilateral environmental agreements, and a growing body of norms, the global environmental situation continues to deteriorate (United Nations Environment Program 2012c).

The Millennium Ecosystem Assessment was carried out between 2001 and 2005 by the United Nations' system to assess the consequences of ecosystem change for human well-being and to establish the scientific basis for actions needed to enhance the conservation and sustainable use of ecosystems and their contributions to human well-being (Millennium Ecosystem Assessment 2005). An ecosystem is a dynamic complex of plant, animal and microorganism communities and the nonliving environment interacting as a functional unit (Millennium Ecosystem Assessment 2005). The synthesis report (Millennium Ecosystem Assessment 2005: 26) found that the structure of the world's ecosystems changed more rapidly in the second half of the twentieth century than at any time in recorded human history, and virtually all ecosystems have since been significantly transformed through human actions.

Scientists have defined a new geological epoch, the Anthropocene, based on evidence that atmospheric, geological, hydrological, biological, and other Earth System processes are being altered by human activity (UNEP 2012b). There are many factors contributing to global environmental change in the 21st century such as land-use, desertification and deforestation, loss of biodiversity, air pollution, ozone depletion, and climate change (Beniston 2010: 557). Climate change is resulting in sea-level rise due to the effects of thermal expansion of water and the

additional influx of fresh water to the oceans from melting mountain glaciers and ice sheets (Beniston 2010). The Intergovernmental Panel on Climate Change (IPCC) found that global average sea level rose at an average rate of 1.8 (1.3–2.3) mm per year over 1961–2003, and the rate was faster over 1993–2003 at about 3.1 (2.4–3.8) mm per year (IPCC 2007: 5). These environmental changes contribute to increasing food insecurity, both directly by changing temperature and precipitation patterns, and indirectly through losses of agricultural land due to sea-level rise, greater wind and water erosion, pests, and disease (Beniston 2010: 563).

Environmental changes can trigger large-scale crises. Human migration and the rapid onset of shocks bring serious economic and social repercussions (Gosling 2012). Further, famine and disease are still widespread in many parts of the world. Projected population growth is anticipated to rise to more than 9 billion by 2050 (UNEP 2012b), increasing pressure on resources. Persistent inequalities in resource access predicted for the coming decades imply that scarcities will affect many environmentally sensitive regions on a scale and with a severity and speed unprecedented in history, largely because of a rapidly changing climate (Beniston 2010). Environmental changes and the degradation of ecosystems is harming many of the world's poorest people and is sometimes the principal factor causing poverty, resulting in thousands of deaths each year due to inadequate water, sanitation, and hygiene (Millennium Ecosystem Assessment 2005).

The degradation of the environment often causes significant harm to human well-being. The economic and public health costs associated with damage to ecosystem services can be substantial. For example, the early 1990s collapse of the Newfoundland cod fishery in Canada was due to overfishing and resulted in the loss of tens of thousands of jobs, costing at least \$2 billion in income support and training (Millennium Ecosystem Assessment 2005: 6). The dependence of social development and economic activity on the environment is increasingly being understood.

The United Nations' Environment Program (UNEP) published a flagship assessment report, *Global Environment Outlook-5: Environment for the Future We Want*. The Report was launched for the UN Conference on Sustainable Development (RIO+20) to urge Governments to collaborate in order to balance the economic, social and environmental strands of sustainable development. We have a collective responsibility to advance and strengthen the interdependent and mutually-reinforcing pillars of sustainable development—economic development, social development, and environmental protection—at the local, national, regional, and global levels (UNEP 2012c: 28).

Social Protection and Sustainable Adaptation

Social protection and sustainable adaptation are linked in the concept of adaptive social protection, the focus of this chapter. Researchers at the Institute for Development Studies (IDS) in the United Kingdom developed the concept of

‘adaptive social protection.’ There is growing recognition of the potential role of social protection as a response to the multiple risks and short and long-term shocks and stresses associated with climate change (Davies et al. 2009). Adaptive social protection involves examining the role of social protection in strengthening climate change adaptation, for example, in developing more climate-resilient livelihoods (Davies et al. 2009). Social protection, climate change, and the need for sustainable adaptation are closely interconnected.

As discussed earlier in this chapter, climate change is now recognized to be an increasing source of hazard and vulnerability for populations in developed and developing countries (Béné 2011). Climate change is increasingly affecting social protection interventions by reducing or even cancelling out their positive effects (Béné 2011). This chapter on adaptive social protection links social protection to climate change adaptation by recognizing that social protection interventions have the capacity not simply to buffer the impacts of climate-related disasters on households’ livelihoods, income, food security, and assets, but to be a vehicle of long-term change and development by enhancing the adaptive capacity of households (Béné 2011: 68).

There is a growing recognition that social protection needs to become ‘climate smart’ if it is to remain (or to become) effective in the long term. Social protection policymakers and practitioners cannot afford to ignore the impact of climate change any longer and need to integrate this new constraint into their action plans and programming (Béné 2011: 69). In Rwanda, adaptive social protection and a ‘no regrets’ approach represent a starting point for the integration of social protection, disaster risk management, climate change adaptation, and food security for increased household and community resilience (Siegel et al. 2011). The Vision 2020 Umurenge Programme (VUP) aims to reduce extreme poverty, but it also aims to lower vulnerability against multiple hazards by transforming, strengthening, and protecting assets and livelihoods, including the provision of basic needs, that can be justified from economic, social, or environmental perspectives, regardless of whether or not hazard events or climate change take place (Siegel et al. 2011).

Social protection offers an important potential avenue to help reduce the immediate impact of climate change-related events, and in the longer term to strengthen the adaptive capacity of people, to reinforce coping skills, and to build up resilience to climate change (Béné 2011). For example, cash transfers can play an important role in mitigating the vulnerability of the chronic poor who will increasingly be exposed to climate-related shocks and stresses (Davies et al. 2009). Social pensions can provide a source of household food security by stabilizing income and consumption against livelihood shocks related to climate change (Davies et al. 2009). Social protection holds significant promise for protecting poor and excluded people by augmenting current disaster risk reduction and future adaptation to weather extremes and by tackling increasing levels of risk and vulnerability (Davies et al. 2009).

Sustainable Development

Sustainable development is a term popularized in *Our Common Future*, a report published by the World Commission on Environment and Development in 1987 (Drexage and Murphy 2010: 7–8). The Report is also known as the Brundtland report, and defines sustainable development as “development which meets the needs of the present without compromising the ability of future generations to meet their own needs.” In 1992 the principles of sustainable development were developed at the United Nations Conference on Environment and Development in Rio de Janeiro, Brazil.

Sustainable development brings together the three pillars of economic development, social development, and the environment. Over the past 20 years, governments and civil society have accepted sustainable development as a guiding principle and vision even though implementation has proven difficult (Drexage and Murphy 2010). The International Institute for Sustainable Development (2012) developed a timeline marking the milestones towards sustainable development, from 1962 to 2009.

Sustainable development has often been compartmentalized as an environmental issue, and development as an economic growth issue. The pursuit of economic growth still predominates in many developed countries, and rapidly developing countries are following the same course. With a limited supply of natural resources, this challenge calls for changes at the consumer level. The lack of action is compounded by economic growth that follows the resource-intensive model of development. More sustainable development is needed in all countries, including both developed and developing countries. Mainstream sustainable development approaches include market environmentalism, green consumption, and technological modernization as market-based solutions, while radical contributions to sustainable development such as Neo-Malthusianism, deep ecology, eco-anarchy, eco-socialism, and eco-feminism call for shifts in corporate/national wealth and power, social or industrial organization (Girst 2008: 786–787). The United Nations Environment Programme (2011: 13–14) argues that sustainable development and poverty eradication can be achieved with a ‘green economy’ and ‘green jobs’ that match the requirements of decent work including a living wage, the elimination of child labour, occupational health and safety, social protection, and freedom of association. Different interpretations of sustainable development occur in policy and in practice, in large measure due to the assumed ‘trade-off’ between economic progress and environmental sustainability.

The United Nations Conference on Sustainable Development (RIO+20) published a brief on sustainable development goals and indicators finding that there are no internationally agreed upon indicators to monitor progress on sustainable development (UNCSD 2012c). The focus areas for priority attention include green jobs; youth employment and social inclusion; energy access, efficiency, sustainability; food security and sustainable agriculture; water; sustainable cities; management of the oceans, fisheries, and other marine resources; and improved

resilience and disaster preparedness (UNCSD 2012c). The Conference reaffirmed the need to further mainstream sustainable development at all levels, integrating economic, social, and environmental aspects in all dimensions.

Deep structural changes are needed in the ways that societies manage their economic, social, and environmental affairs, and hard choices are needed to move from talk to action. Systemic changes will require a revolution in the way we live, both in our lifestyles and consumption patterns.

Risk-Adjusted Social Protection Floor

A risk-adjusted social protection floor is a forward-looking approach that focuses on creating resilient economic, social and environmental systems based on the universal provision of human basic needs (Siegel and Jorgensen 2011). It has also been referred to as “climate change justice with human-rights” (Siegel and Jorgensen 2011: 3). The concept draws upon the social risk management framework, adaptive social protection, and the ‘no-regrets’ approach to climate change by focusing on decreasing vulnerability and increasing resilience (Siegel and Jorgensen 2011: 5).

The concept of adaptive social protection refers to a series of measures that aim to build resilience of the poorest and most vulnerable people to climate change (Siegel and Jorgensen 2011). The risk-adjusted social protection floor is understood as an extension of the United Nations social protection floor that explicitly addresses risks from climate change and natural disasters in a practical way (Siegel and Jorgensen 2011: 49). This approach allows social protection to respond to different types of risks that could threaten the ability of national, local, and community levels to guarantee human rights in special situations (Siegel and Jorgensen 2011: 51). This new concept draws upon social protection, disaster risk management, and climate change adaptation interventions, the real challenge being garnering the international and national political willpower and funding resources (Siegel and Jorgensen 2011: 52).

Discussion and Conclusion

The 18th Conference of the Parties (COP18) of the UN Framework Convention on Climate Change (UNFCCC) in Doha, Qatar, is considering a post-2015 framework for disaster risk reduction. Many practitioners emphasize the need to link disaster risk reduction more strongly to climate change adaptation and sustainable development in a new framework. Consultations are underway to enhance understanding of these linkages in order to strengthen the mainstreaming of both disaster risk reduction and adaptation into development planning and practices so as to reduce the vulnerabilities of communities.

There is an urgent need to make progress on climate change adaptation and mitigation. The concept of adaptive social protection brings together social protection, climate change adaptation, and disaster risk reduction for better development outcomes. The environment, sustainable development, social justice, and human well-being are being considered in new ways. Adaptive social protection may contribute to the reduction of disaster losses in the social, economic, and environmental assets of local communities and countries. The impacts of climate change and disaster risk reduction need to be incorporated into sustainable development policies and planning in order to strengthen institutions and capacities to strengthen resilience. Adaptive social protection offers the potential to reduce some of the underlying risk factors. In the past decade, there has been a great deal of innovation in social protection initiatives, the subject of the next chapter on country developments and initiatives.

References

- Barker, T. (2003). Representing global climate change, adaptation and mitigation. *Global Environmental Change*. doi: [10.1016/S0959-3780\(02\)00085-7](https://doi.org/10.1016/S0959-3780(02)00085-7). Accessed 25 June 2012.
- Beniston, M. (2010). Climate change and its impacts: Growing stress factors for human societies. *International Review of the Red Cross*, 92(879), 557–568. doi:[10.1017/S1816383110000342](https://doi.org/10.1017/S1816383110000342). Accessed 10 July 2012.
- Béné, C. (2011). Social protection and climate change. *IDS Bulletin*, 42(6), 67–70. doi:[10.1111/j.1759-5436.2011.00275.x](https://doi.org/10.1111/j.1759-5436.2011.00275.x).
- Davies, M., Oswald, K., Mitchell, T. (2009). Climate change adaptation, disaster risk reduction and social protection. In *Promoting pro-poor growth: Social protection* (pp. 201–217). DAC Network on Poverty Reduction (POVNET). <http://www.oecd.org/development/povertyreduction/43280946.pdf>. Accessed 17 Aug 2012.
- Drexhage, J. & Murphy, D. (2010). Sustainable development: From Brundtland to Rio 2012. *Background Paper prepared for consideration by the high level panel on global sustainability at its first meeting*, 19 September 2010. http://www.un.org/wcm/webdav/site/climatechange/shared/gsp/docs/GSP1-6_Background%20on%20Sustainable%20Devt.pdf. Accessed 13 July 2012.
- Global Assessment Report on Disaster Risk Reduction. (2011). Opportunities and incentives for disaster risk reduction. In *Author, Revealing risk, redefining development*. *Prevention Web* http://www.preventionweb.net/english/hyogo/gar/2011/en/bgddocs/GAR-2011/GAR2011_Report_Chapter6.pdf. Accessed 27 June 2012.
- Gosling, S. N. (2012). The likelihood and potential impact of future change in the large-scale climate-earth system on ecosystem services. *Environmental Science and Policy*. doi: [10.1016/j.envsci.2012.03.011](https://doi.org/10.1016/j.envsci.2012.03.011). Accessed 10 July 2012.
- Grist, N. (2008). Positioning climate change in sustainable development discourse. *Journal of International Development*, 20(6), 783–803. doi: [10.1002/jid.1496](https://doi.org/10.1002/jid.1496). Accessed 7 May 2012.
- Guha-Sapir, D., Vos, F., Below, R., Ponsérre, S. (2011). Annual disaster statistical review 2010: The numbers and trends. http://www.cred.be/sites/default/files/ADSR_2010.pdf. Accessed 27 June 2012.
- Huq, S., & Reid, H. (2004). Mainstreaming adaptation in development. *IDS Bulletin*, 35(3), 15–21. doi: [10.1111/j.1759-5436.2004.tb00129.x](https://doi.org/10.1111/j.1759-5436.2004.tb00129.x). Accessed June 25, 2012.

- Intergovernmental Panel on Climate Change (IPCC). (2001). *Climate change 2001: Synthesis report, annexes*. http://www.grida.no/climate/ipcc_tar/vol4/english/pdf/annex.pdf. Accessed 29 June 2012.
- Intergovernmental Panel on Climate Change. (2007). Summary for policymakers. In: S. Solomon, D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M.Tignor, H.L. Miller (Eds.) *Climate change 2007: The physical science basis. Contribution of working group I to the fourth assessment report of the Intergovernmental Panel on Climate Change*. <http://www.ipcc.ch/pdf/assessment-report/ar4/wg1/ar4-wg1-spm.pdf>. Accessed 10 July 2012.
- International Institute for Sustainable Development. (2012). Sustainable development timeline. Retrieved from http://www.iisd.org/pdf/2012/sd_timeline_2012.pdf
- Klein, R. J. T., Huq, S., Denton, F., Downing, T. E., Richels, R. G., Robinson, J. B., et al. (2007). Inter-relationships between adaptation and mitigation. In M. L. Parry, O. F. Canziani, J. P. Palutikof, P. J. van der Linden, C. E. Hanson (Eds.), *Climate change 2007: Impacts, adaptation and vulnerability. Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change* (pp. 745–777). <http://www.ipcc.ch/pdf/assessment-report/ar4/wg2/ar4-wg2-chapter18.pdf>. Accessed 29 June 2012.
- Laukkonen, J., Blanco, P. K., Lenhart, J., Keiner, M., Cavric, B., & Kinuthia-Njenga, C. (2009). Combining climate change adaptation and mitigation measures at the local level. *Habitat International*. doi: [10.1016/j.habitatint.2008.10.003](https://doi.org/10.1016/j.habitatint.2008.10.003). Accessed 30 June 2012.
- Martens, P., McEvoy, D., Chang, C. (2009). The climate change challenge: Linking vulnerability, adaptation, and mitigation. *Current Opinion in Environmental Sustainability*. doi: [10.1016/j.cosust.2009.07.010](https://doi.org/10.1016/j.cosust.2009.07.010). Accessed 25 June 2012.
- Millennium Ecosystem Assessment. (2005). *Ecosystems and human well-being: synthesis*. <http://www.millenniumassessment.org/documents/document.356.aspx.pdf>. Accessed 9 July 2012.
- Polack, E. (2008). A right to adaptation: Securing the participation of marginalised groups. *IDS Bulletin*. doi: [10.1111/j.1759-5436.2008.tb00472.x](https://doi.org/10.1111/j.1759-5436.2008.tb00472.x). Accessed 25 June 2012.
- Richardson, L. J. & Ward, B. (Ed). (2011). Reporting on climate change: understanding the science. (4th edn.). Washington, D.C.: Environmental Law Institute.
- Seck, M., Mamouda, M., Wade, S. (2005). Case study 4: Senegal adaptation and mitigation through ‘produced environments’. *IDS Bulletin*, 36(4), 71–86. doi: [10.1111/j.1759-5436.2005.tb00235.x](https://doi.org/10.1111/j.1759-5436.2005.tb00235.x). Accessed 28 June 2012.
- Siegel, P. B., Gatsinzi, J., & Kettlewell, A. (2011). Adaptive social protection in Rwanda: ‘Climate-proofing’ the vision 2020 Umurenge programme. *IDS Bulletin*. doi:[10.1111/j.1759-5436.2011.00276.x](https://doi.org/10.1111/j.1759-5436.2011.00276.x).
- Siegel, P. B., & Jorgensen, S. (2011). *No-regrets approach to increased resilience and climate change justice: Toward a risk-adjusted social protection floor*. Paper presented at “Social Protection for Social Justice” Institute for Development Studies Conference, Brighton: UK. <http://www.ids.ac.uk/files/dmfile/SiegelJorgensen2011RiskAdjustedSocialProtectionFloor02CSPconferencedraft.pdf>. Accessed 25 June 2012.
- United Nations Conference on Sustainable Development (RIO+20). (2012a). *The Future We Want (A/CONF.216/L.1)*. https://rio20.un.org/sites/rio20.un.org/files/a-conf.216-l-1_english.pdf.pdf. Accessed 27 June 2012.
- United Nations Conference on Sustainable Development (RIO+20). (2012b). *Disaster risk reduction and resilience building (Issue Brief No. 8)*. Rio de Janeiro: UNCSA. <http://www.uncsd2012.org/content/documents/225ib8.pdf>. Accessed 27 June 2012.
- United Nations Conference on Sustainable Development (RIO+20). (2012c). *Current ideas on sustainable development goals and indicators (Issue Brief No. 6)*. Rio de Janeiro: UNCSA http://www.uncsd2012.org/content/documents/218Issues%20Brief%206%20-%20SDGs%20and%20Indicators_Final%20Final%20clean.pdf. Accessed 27 June 2012.
- United Nations. (1992). United Nations Framework Convention of Climate Change (FCCC/INFORMAL/84 GE.05-62220 (E) 200705). <http://unfccc.int/resource/docs/convkp/conveng.pdf>. Accessed 29 June 2012.

- United Nations Environment Programme. (2012a). Measuring progress: Environmental goals and gaps. http://www.org/geo/pdfs/geo5/Measuring_progress.pdf. Accessed 26 June 2012.
- United Nations Environment Programme. (2012b). *Environment for the future we want (GEO 5)*. Retrieved from http://www.unep.org/geo/pdfs/geo5/GEO5_report_full_en.pdf. Accessed 26 June 2012.
- United Nations Environment Programme. (2012c). Summary for policy makers. Global Environment Outlook (GEO-5). http://www.unep.org/geo/pdfs/GEO5_SPM_English.pdf. Accessed 27 June 2012.
- United Nations Environment Programme. (2011). Towards a green economy: Pathways to sustainable development and poverty eradication—a synthesis for policy makers. http://www.unep.org/greeneconomy/Portals/88/documents/ger/GER_synthesis_en.pdf. Accessed 1 July 2012.
- United Nations International Strategy for Disaster Reduction. (2008). *Climate change and disaster risk reduction (Briefing note no. 01)*. Geneva: UNISDR. http://www.unisdr.org/files/4146_ClimateChangeDRR.pdf. Accessed 29 June 2012.
- United Nations International Strategy for Disaster Reduction. (2009). *2009 UNISDR terminology on disaster risk reduction*. Geneva: UNISDR http://www.unisdr.org/files/7817_UNISDRTerminologyEnglish.pdf. Accessed 29 June 2012.
- Zakour, M. J. (2012). Natural and human-caused disasters. In L. M. Healy & R. J. Link (Eds.), *Handbook of international social work: human rights, development, and the global profession* (pp. 226–231). New York: Oxford University Press.

Chapter 5

Country Developments and Initiatives

Abstract This chapter presents case studies on social protection floor initiatives in four countries: Argentina, India, South Africa, and Thailand. The international community has recognized the importance of social protection floor initiatives through recent developments. Specific examples and promising practices are shared as useful examples for all stakeholders including governments, social practitioners, and institutions. The country developments and initiatives presented in this chapter demonstrate how social protection floor initiatives can contribute to achieving social justice and fostering sustainable social and economic development. Many countries have already successfully taken measures to build their nationally defined social protection floors or have introduced important elements. The results in these countries show that the impact of social protection on poverty, vulnerability, and inequality can be significant.

Keywords Cash transfers • Pensions • Grants • Employment • Equity • Argentina • India • South Africa • Thailand • Social protection

Country-Based Activities

The Social Protection Floor Initiative aims to support policies and activities that extend countries' social protection systems and basic social services according to the needs of their population, especially poor and vulnerable groups, through an integrated approach that responds to crisis and to development needs and perspectives. The social protection floor emphasizes the importance for people to stand on a solid floor, live life with dignity, and climb to higher levels of well-being. A social protection floor can provide a basic level of social services and transfers that is important for sustainability and for addressing risk. [Chapters 1](#) and [3](#) in this book discuss the social protection floor and concepts of social protection. Many countries have already taken steps to introduce elements of national social protection floors.

Social protection programs can be affordable in a range of social, demographic, and economic conditions. Countries at the same level of national per capita income per capital spend very different shares of their resources on social protection. Fiscal space can be created for social protection, even at low levels of GDP, assuming there is the political will. There is evidence that economic growth that does not include a concept for equity and equality is not sustainable in the long term; a social protection floor is crucial for securing and distributing the growth benefits and for securing social progress (UNDP 2011).

There is no best solution or “one-size-fits-all” formula (UNDP 2011). Each country has different needs, development objectives, and fiscal capacity that will guide social policy. The principles of universality, progressiveness, and pluralism underpin the overall construction of the social protection floor (UNDP 2011).

Specific Examples

A number of programs have successfully demonstrated that the impact of the social protection floor on poverty is significant. Among the programs that have been evaluated and analyzed in detail are the Universal Child Allowance in Argentina, the Mahatma Gandhi National Rural Employment Guarantee Scheme in India, the Child Support Grant in South Africa, and the Universal Coverage Scheme and Universal Pension Scheme in Thailand. This chapter highlights the successes of these program initiatives and discusses promising practices, key challenges, and resources needed.

Universal Family Allowance, Argentina

Argentina has achieved a level of economic and institutional development that enables it to consolidate a system comprising a social protection floor that provides access to essential social services as well as a range of traditional social security benefits offering economic security (Bertranou and Maurizio 2012: 55). Until 2009, the lack of coverage for children and adolescents in families working in the informal economy was a major issue. There was a clear need to reform the transfer system to give greater emphasis to providing benefits for children and adolescents (Bertranou and Maurizio 2012: 56). In 2009, Argentina introduced the Universal Child Allowance, a new transfer program for children and adolescents younger than 18 years that extended coverage under the contributory program for family allowances to include families in the informal economy and families of unemployed persons.

The Universal Child Allowance is a non-contributory scheme that provides cash benefits for children of ‘non-registered’ workers earning less than a minimum living wage; are unemployed; or are in domestic service. It is a semi-conditional

monthly cash benefit that is paid to one of the parents, or to a guardian, for each dependent child or adolescent younger than 18 years (there is no age limit if disabled). Eligible children must be Argentinian nationals or have been resident in the country for at least three years. The benefit is approximately US\$55 per month per school-age child who attends school and registers for health-care services (International Labour Organization 2011: 13). Of the total benefit, 80 % is paid monthly to benefit recipients through the social security system. The remaining 20 % is deposited in a savings account in the name of the beneficiary with the Argentine National Bank. This sum can be recovered when the beneficiary provides evidence of children/youth having undergone medical check-ups and necessary vaccinations or evidence of the completion of the appropriate academic school year. The conditional component of the transfer depends on school attendance and medical check-ups, and mirrors trends in cash transfer programs in other countries in Latin America.

The implementation of the Universal Child Allowance has brought a substantive and structural change and is a component of social protection in Argentina (Roca 2011). In May 2010, almost 3.7 million benefits were authorized, and currently 85 % of Argentine children are covered by the subsystem of family allowances (Roca 2011: 40–41).

The Mahatma Gandhi National Rural Employment Guarantee Act, India

The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) is a wage employment program for households in rural areas in India. The MGNREGA was enacted on 7 September 2005 and came into force on 2 February 2006 in 200 districts. The Act was expanded across the country on 1 April 2008 and is effective in the rural areas of the entire country, covering 619 districts (Sharma 2011). The goal of the Act is to create sustainable rural livelihoods by providing wage employment opportunities. As such, it provides a legal right for at least 100 days of guaranteed wage employment in every year to every rural household whose adults volunteer to do unskilled manual work for the enhancement of livelihood security (Sharma 2011). Adult members of a rural household may apply to the local *panchayat* (local government at the village or small-town level) for registration and receive a job card, which is a basic legal document that enables a rural household to demand work. Employment must be provided within 15 days of demand and within a 5 km radius of the village (or else extra wages of 10 % must be paid and/or an unemployment allowance must be paid by the State at its own cost). The Act mandates 33 % participation of women (Haque 2011).

In India, poverty is unevenly spread, with scheduled castes, scheduled tribes and women headed households the worst affected (Sharma 2011). Natural disasters have adversely impacted agricultural productivity and employment opportunities

(Sharma 2011). Wage employment programs have a long history in India, where they meet the subsistence needs of casual labour that forms a major share of the rural workforce. Many of the most disadvantaged members of society are participating as workers (Drèze and Khera 2009). The Act has successfully created employment opportunities in rural areas to prevent and reduce migration of rural workers to urban areas (Haque 2011).

By combining rural development with livelihood protection, the work is designed to develop infrastructure such as roads, irrigation, and flood protection measures (Jha et al. 2012). Public works programs can also build relevant public goods and infrastructure in local communities, contributing to growth (UNDP 2011). In India the 100 days scheme has been rolled out nationwide, and the Act mandates the extension of basic social security coverage to about 52.5 million households not covered previously. This has increased income, provided economic opportunities to disadvantaged groups, decreased out-migration from villages, impacted positively on the environment, and improved the connectivity of rural areas through better roads (Sharma 2011). In addition to creating livelihood opportunities for the rural poor, the scheme plays a role in responding to crises and natural disasters, particularly at the local level (Mishra et al. 2010). The scheme can contribute to building resilience of the local community to the adverse effects of climate change by encouraging works on water harvesting, soil conservation, irrigation, flood protection, afforestation, and others (Mishra et al. 2010). In this way public works can contribute to climate change adaptation (Sharma 2011).

The empowerment of rural women is crucial for the development of rural India, and bringing women into the mainstream of development is a major concern for the Government of India (Ministry of Rural Development 2012). There are significant benefits reported by women workers, particularly with increased food security and a better ability to avoid hazardous work (Khera and Nayak 2009). Many women are now undertaking income-earning work where hardly any existed before as a result of limited opportunities due to women's gendered roles and caregiver work. The Act is designed to allow women equity in access to work and in wage payment (Sharma 2011). Rural tribal communities (approximately 80.5 million people in India) are among the most marginalized groups, many members of which live below the poverty line, due to their geographical and cultural isolation, subsistence standard of living, and extremely low literacy rate (Mishra et al. 2010). The scheme has been successful in providing greater livelihood opportunities to tribal people by making the development process more inclusive (Mishra et al. 2010).

The MGNREGA has provided a unique legal space for the rural poor, especially the landless labourers, scheduled caste, scheduled tribe, and small and marginal farmers, by obligating various levels of government to deliver and improve the socio-economic condition of rural people (Haque 2011). The Act has created rights-based and demand-driven employment opportunities of 100 days per household in rural areas through a legally binding response by government to a right to work that is enshrined in law (Mishra et al. 2010). The MGNREGA demonstrates that a social protection program with a rights-based legal guarantee

can evolve as a platform for social empowerment and sustainable development, mitigating future risks not just by reducing vulnerabilities to economic and natural adversities but also by building resources that empower people to make more equitable and liberating choices (Sharma 2011: 287).

Child Support Grant, South Africa

The Child Support Grant (CSG) is an important instrument of social protection in South Africa, reaching over 10 million South African children each month (Department of Social Development, South African Social Security Agency and UNICEF 2012). The Child Support Grant was introduced in 1998 as a means-tested cash transfer for poor children paid to the caregiver of a child under 18 years of age irrespective of their household arrangements (Barrientos and DeJong 2006). Children are disproportionately represented among the income-poor. Many children many suffer from severe deprivation, and their poverty and vulnerability have cumulative and long-term consequences (Barrientos and DeJong 2006). The Child Support Grant provides a cash grant through a primary caregiver, not necessarily the biological parent, which reflects the varied care giving practices in South Africa (Case et al. 2005). The grant is primarily accessed by women, which indicates an important gendered dynamic (Patel 2012). The grant is one of the Government's most effective poverty reduction programs (Patel 2011).

The Child Support Grants are publicly funded through taxation and account for 3.4 % of GDP, demonstrating the high political priority and government commitment to social protection (UNDP 2011). The reduction of poverty after the demise of apartheid is attributed to South Africa's expansive social protection program (Patel 2012). Since 1998 there has been an increase in the age limit from seven to eighteen years old as well as adjustments to the income threshold to take into account inflation and improve equity (Department of Social Development, South African Social Security Agency and UNICEF 2012). In 2010, beneficiary children are required to attend school as a condition of receiving the grant (Patel 2012).

The Child Support Grant recognizes the rights of children and therefore targets poor children, regardless of household arrangements. The system was designed to 'follow the child' by being paid to the primary caregiver of the child (Patel 2012). However, in practical terms, this requires an adult to apply for and collect the grant. There is thus some concern that these vulnerable groups, because of the absence of an adult, fall outside the conditions for entitlement to the grants (Barrientos and DeJong 2006: 545). Cash grants directly reduce poverty, reduce inequality, and improve living standards in terms of consumption (Department of Social Development, the South African Social Security Agency and UNICEF 2012). The benefit amounts to R260.00 per month per child, which is approximately US\$34.50 (Patel 2012: 109). The grant provides consistent and regular

income that is supplemented by a diversity of income sources in the household (Patel 2012).

The Department of Social Development, the South African Social Security Agency, and UNICEF (2012) identify the positive developmental impact of the Child Support Grant in promoting nutritional, educational, and health outcomes. Specifically, adolescents are more likely to have some positive educational outcomes, are somewhat less likely to experience child labour, and are significantly less likely to engage in behaviors that put their health and well being at serious risk. Numerous evaluation studies demonstrate strong civil society support for the Child Support Grant to facilitate human capital development, job searches, and productivity of workers in households; and to support household livelihood activities (Patel 2012). The Child Support Grant forms part of a wider social protection strategy complemented by the provision of publicly funded compulsory basic education, health care, housing, basic services, public works, and support for micro and small enterprises (Patel 2011).

Universal Coverage Scheme, Thailand

The Universal Coverage Scheme in Thailand began in April 2001 to provide universal health coverage for those working in the informal sector (and not covered as private sector employees or government employees) in six provinces. Thailand reached universal health-care coverage in 2002 across the country (Sakunphanit and Suwanrada 2011b). The Scheme was created in response to section 52 of the 1997 Constitution which stated that ‘All Thai people have an equal right to access quality health services,’ and aimed to provide Thais with health services that were both accessible and equitable (Yiengprugsawan et al. 2010b: 1–2). The scheme covers an estimated 47 million individuals or 80 % of the total population (Sakunphanit and Suwanrada 2011b). The scheme’s objective is to provide access to health care without financial barriers and according to the needs of Thai citizens (Somkotra and Lagrada 2008).

The Universal Coverage Scheme provides a comprehensive package that includes prevention services such as immunizations, annual physical check-ups, premarital counseling, antenatal care, and family planning services (Sakunphanit and Suwanrada 2011b). It further provides ambulatory care and in-patient care for high cost treatments (such as cancer treatments, heart surgery and antiretroviral drugs) (Sakunphanit and Suwanrada 2011b). The scheme is funded through general tax revenue and all benefits are provided free of charge.

In Thailand health facilities must register for the Universal Coverage Scheme. Community committees are established and financed by both the Scheme and local government for disease prevention, health promotion, and the management of other social determinants of health according to health problems in each community. The social determinants of health were discussed in Chap. 3. The scheme has changed patterns of health services use, particularly for rural people and the

urban poor, by placing greater emphasis on primary healthcare (Yiengprugsawan et al. 2010a). The scheme has resulted in improved access to health services provided by district health systems for the poor who reside in rural areas (Limwattananon et al. 2012).

The Universal Coverage Scheme supports social protection and a safety net strategy by reducing financial catastrophe and impoverishment due to payments for health care or what is commonly known as the ‘medical poverty trap’ (Somkotra and Lagrada 2008). Thailand’s social security system has thus progressed towards a universal safety net providing free health care to workers and their dependents, thereby greatly reducing inequities in access to health care. Legally registered foreign workers can also be covered by this scheme for a small fee. Although informal workers are still excluded from other social security benefits (such as paid sick leave and unemployment benefits), a universal pension of 500 baht per month covering even informal workers was recently introduced (Kelly et al. 2010).

Universal Pension Scheme, Thailand

The Universal Pension Scheme provides every elderly Thai person (60 years of age or older) with a cash benefit of 500 baht per month. The livelihoods and income for the elderly has gained increased attention as demographic changes are heading towards an ageing society. The scheme officially began in April 2009. All elderly (60 years of age or older) who are not in elderly public facilities or do not receive permanent income (such as a government pension) are eligible. The elderly person or their representative can register with the local authorities where they are residential inhabitants, and can receive cash directly from the local authority office, designate a representative to receive cash from the local authority office, transfer the pension to a bank account, or have the pension transferred to the bank account of their representative (Sakunphanit and Suwanrada 2011a: 409–410).

Similar to many countries Thailand experienced the global financial crisis that resulted in fewer exports, declining tourism, and higher unemployment. A stimulus package was introduced with a temporary extension of the pension system and significant investments in public infrastructure. In crisis conditions, social security benefits, public health and social services act as stabilizers to avoid poverty and ensure continuity of service (ILO 2009). The decision to strengthen tax-financed social allowances for the elderly as a universal pension is a rational social policy decision with positive nutritional, health, and educational benefits for whole families (ILO 2009).

In Thailand, the constitution stipulates that persons aged 60 years and older with insufficient income have a right to receive aid from the State (Mujahid et al. 2008). The Universal Pension Scheme constitutes a social protection floor for the elderly. Thailand demonstrates that countries can grow in an equitable ‘pro-poor’

way by providing social protection and redistribution to meet the needs of the most vulnerable.

The Universal Coverage Scheme and the 500 Baht Universal Pension Scheme both contribute to the development of a social protection floor and to poverty reduction. Thailand is gradually moving from a targeted approach toward universalism in order to better protect the poor (Sakunphanit and Suwanrada 2011a).

Promising Practices

As discussed in the international case studies, there are many successes to be shared in social protection initiatives at the country level. International experience shows that the success of these programs depends on a number of sectoral policies that, together, provide protection against social risks and specific forms of vulnerability that confront all families (Bertranou and Maurizio 2012: 57).

The basic common structure of conditional cash transfers consists of transferring monetary and non-monetary resources to families living in poverty (or extreme poverty) on condition that they fulfill certain commitments aimed at enhancing their human capacities (Cecchini and Madariaga 2011). For example, in South Africa, the commitments required by conditional cash transfers relate to the areas of education, health and nutrition. These programs directly affect the family unit in a holistic way and provide a leading role to women. In some countries, cash transfers have also helped to reduce child labour, provide access to labour markets, improve social status, and promote gender equality by strengthening the social status of women in households and communities (UNDP 2011). Furthermore, programs enacted by law are considered to be more durable such as India's National Rural Employment Guarantee Act.

Key Challenges and Resources Needed

There are some key challenges and resources needed to further strengthen social protection floors in many countries. For example, in order to meet the conditions of the cash benefit, South Africans must be able to access health centres and attend schools in their neighbourhoods, and the local community must be taken into account as well as the quality of the services provided (Bertranou and Maurizio 2012: 70).

While social protection initiatives aim to protect the most vulnerable members of society, there are some gaps in requirements. In Argentina, legal residency is required to access benefits, which may present a challenge for migrants and immigrants to obtain the necessary documents (Cecchini and Madariaga 2011). Indigenous peoples in Argentina face difficulties accessing benefits due to geographical and administrative barriers, such as long distances and lack of identity

cards (ILO 2011: 10). Additionally, while the Universal Family Allowance has successfully promoted school attendance, it has revealed significant challenges in Argentina's educational infrastructure, as many schools are ill-equipped to absorb significant increases in primary and secondary school enrolments without additional resources (Younker 2010). The media has reported on the challenges faced by Argentinian teachers striving to work with families in order to meet the diverse needs of students through tutoring and other programs (Valente 2011).

It is important for rural populations to be informed of their rights in order to defend them. In India, for example, research has demonstrated that there is a low level of awareness about various entitlements of MGNREGA in several areas (Haque 2011). As a result, there are huge gaps between various entitlements and their actual realizations by rural workers. For example, the success of the scheme is constrained by lack of awareness about the number of days of employment, minimum wages per worker, and the provision of unemployment allowances. It has been recommended that local institutions such as the *panchayat*, civil societies, and the concerned government departments work together to increase awareness among rural people about various entitlements in order to mobilize support for effective implementation. This may require institutional reform at various levels. Inadequate work facilities that lack drinking water, crèches, and toilets in worksites affect women workers, and there is a need in some cases to provide decent conditions of work for women workers (Haque 2011). The objectives of MGNREGA have yet to be achieved on a large scale, and its potential as an instrument of rural transformation is yet to be fully realized. Structural issues have emerged such as delayed payments to workers, inadequate attention to quality of assets being created, fraud, misuse of funds, and corruption (Ministry of Rural Development 2011).

Other countries have also faced implementation challenges. The key challenges often include human resource and infrastructural problems, lack of government coordination between departments, means-tests not adjusted with inflation rates, lack of public awareness of the program, and corruption in the system (Patel 2011).

Uneven development within nations can present a challenge for implementing social protection floor initiatives. In many countries, the unequal distribution of health-care facilities among rural and urban areas or among regions still exists and affects people's access to health care. In Thailand the distribution of health personnel is also different between rural and urban areas, and other challenges include healthcare infrastructure, administrative capacity, and an ageing society.

Discussion and Conclusion

The Social Protection Floor Initiative is supported by the international community, regional bodies, and governments as a policy tool for national development strategies. Recent social protection floor initiatives show that investing in social protection can support both economic and social development. This chapter

presents a range of actions taken in four countries, which seek to address risk and vulnerability among poor and potentially marginalized households and maintain income standards. The focus on family allowances, children and youth, education, health, and older people is relevant to many of the Millennium Development Goals. Recent initiatives are attempting to address the bias against low-income, informal workers, and women through new pension schemes, child and family-centered cash transfers, and public work programs.

Social protection can play a role in reducing poverty and vulnerability and can increase equity through social transfers and access to social services. Country-specific needs and priorities will determine the social protection systems in developing countries. Some approaches focus on helping the poor escape poverty while others promote social inclusion and social justice, and assure income security, education, and healthcare for all. For example, conditional cash transfers are used in many countries to provide cash payments to families if they comply with a set of requirements. Governments are required to provide social protection initiatives from the right to social security in the 1948 Universal Declaration of Human Rights, which was discussed in [Chap. 2](#). The standards of social security are defined by the ILO, in the Social Security (Minimum Standards) Convention of 1952 (No. 102).

An important shift has taken place, and there is increasing demand for social protection from citizens around the world. There is an urgent need to further strengthen many social protection systems today. Individuals are vulnerable to shocks as well as to the impacts of climate change and natural disasters. Social transfer programs have the potential to become sustainable government programs to build equity and to promote social inclusion. The international community has renewed its commitment to the social protection floor initiative and adopted a recommendation to progressively implement social protection floors as a key element of national social security systems.

References

- Barrientos, A., & DeJong, J. (2006). Reducing child poverty with cash transfers: A sure thing? *Development Policy Review*. doi:[10.1111/j.1467-7679.2006.00346.x](https://doi.org/10.1111/j.1467-7679.2006.00346.x). Accessed 16 July 2012.
- Bertranou, F., & Maurizio, R. (2012). Semi-conditional cash transfers in the form of family allowances for children and adolescents in the informal economy in Argentina. *International Social Security Review*. doi:[10.1111/j.1468-246X.2011.01419.x](https://doi.org/10.1111/j.1468-246X.2011.01419.x). Accessed 19 July 2012.
- Case, A., Hosegood, V., & Lund, F. (2005). The reach and impact of Child Support Grants: Evidence from KwaZulu-Natal. *Development Southern Africa*. doi:[10.1080/03768350500322925](https://doi.org/10.1080/03768350500322925). Accessed 19 July 2012.
- Cecchini, C., & Madariaga, A. (2011). Conditional cash transfer programme: The recent experience in Latin American and the Caribbean. *Cuadernos de la CEPAL*. <http://www.eclac.org/publicaciones/xml/6/45096/Cuaderno.95.pdf>. Accessed 10 June 2012.
- DSD., SASSA., & UNICEF. (2012). The South African Child Support Grant Impact Assessment: Evidence from a survey of children, adolescents and their households. *UNICEF*. http://www.unicef.org/southafrica/SAF_resources_csg2012s.pdf. Accessed 27 July 2012.

- Drèze, J., & Khera, R. (2009). The NREGA is making a difference to the lives of the rural poor, slowly but surely. *Frontline*, 26(1). <http://www.frontlineonnet.com/fl2601/stories/20090116260100400.htm>. Accessed 31 July 2012.
- Haque, T. (2011). Socio-economic impact of implementation of Mahatma Gandhi National Rural Employment Guarantee Act in India. *Social Change*. doi:10.1177/004908571104100307. Accessed 10 July 2012.
- International Labour Organization. (2009). Thailand: Pension reform in times of crisis: A report requested by the Ministry of Finance. <http://www.socialsecurityextension.org/gimi/gess/RessShowRessource.do?ressourceId=16965>. Accessed 31 July 2012.
- International Labour Organization. (June 2011). Social protection floor Argentina. http://www.socialprotectionfloor-gateway.org/files/Argentina_long.pdf. Accessed 23 July 2012.
- Jha, R., Gaiha, R., & Pandey, M.K. (2012). Net transfer benefits under India's rural employment guarantee scheme. *Journal of Policy Modeling*. doi:10.1016/j.jpolmod.2011.04.001. Accessed 19 July 2012.
- Kelly, M., Strazdins, L., Ellora, T., Khamman, S., Seubsman, S., & Sleight, A. (2010). Thailand's work and health transition. *International Labour Review*, 149(3), 373–386. Accessed 31 July 2012.
- Khera, R., & Nayak, N. (March–April 2009). Women workers and perceptions of the national rural employment guarantee act in India. Paper presented at FAO-IFAD-ILO workshop on gaps, trends and current research in gender dimensions of agricultural and rural employment: differentiated pathways out of poverty. http://eprints.soas.ac.uk/7832/1/Nayak_womenworkersinindia.pdf. Accessed 16 July 2012.
- Limwattananon, S., Tangcharoensathien, T., Tisayaticom, K., Boonyapaisarncharoen, T., & Prakongsai, P. (2012). Why has the universal coverage scheme in Thailand achieved a pro-poor public subsidy for health care? *BMC Public Health*, 12(1), 1–11. <http://www.biomedcentral.com/1471-2458/12/S1/S6>. Accessed 19 July 2012.
- Ministry of Rural Development. (1 Sept 2011). *Reforms in MGNREGA Implementation*. <http://www.nrega.nic.in/netnrega/home.aspx>. Accessed 5 Dec 2012.
- Ministry of Rural Development. (2012). *About the Ministry*. <http://rural.nic.in/sites/about-the-ministry.asp>. Accessed 5 Dec 2012.
- Mishra, P., Behera, B., & Nayak, N.C. (2010). A development delivery institution for the tribal communities: Experience of the national rural employment guarantee scheme in India. *Development Policy Review*. doi:10.1111/j.1467-7679.2010.00492.x. Accessed 16 July 2012.
- Mujahid, G., Pannirselvam, J., & Doge, B. (2008). The impact of social pensions: perceptions of Asian older persons. <http://www.globalaging.org/pension/world/social/impact.pdf>. Accessed 31 July 2012.
- Patel, L. (2011). Child support grants. In ILO., SU/SSC., & UNDP. (Eds.), *Sharing innovative experiences: successful social protection floor experiences*, Vol. 18 (pp. 361–384). <http://www.socialsecurityextension.org/gimi/gess/RessShowRessource.do?ressourceId=20840>. Accessed 10 June 2012.
- Patel, L. (2012). Poverty, gender and social protection: Child support grants in Soweto, South Africa. *Journal of Policy Practice*. doi:10.1080/15588742.2012.625344. Accessed 20 July 2012.
- Roca, E.E. (2011). Extension of the universal family allowance: The universal child allowance. In ILO., SU/SSC., & UNDP. (Eds.), *Sharing innovative experiences: successful social protection floor experiences*, Vol. 18 (pp. 23–41). <http://www.socialsecurityextension.org/gimi/gess/RessShowRessource.do?ressourceId=20840>. Accessed 10 June 2012.
- Sakunphanit, T., & Suwanrada, W. (2011a). 500 baht universal pension scheme. In ILO., SU/SSC., & UNDP. (Eds.), *Sharing innovative experiences: successful social protection floor experiences*, Vol. 18 (pp. 401–415). <http://www.socialsecurityextension.org/gimi/gess/RessShowRessource.do?ressourceId=20840>. Accessed 10 June 2012.
- Sakunphanit, T., & Suwanrada, W. (2011b). The universal coverage scheme. In ILO., SU/SSC., & UNDP. (Eds.), *Sharing innovative experiences: successful social protection floor*

- experiences*, Vol. 18 (pp. 385–399). <http://www.socialsecurityextension.org/gimi/gess/RessShowRessource.do?ressourceId=20840>. Accessed 10 June 2012.
- Sharma, A. (2011). The Mahatma Gandhi National Rural Employment Guarantee Act. In ILO., SU/SSC., & UNDP. (Eds.), *Sharing innovative experiences: successful social protection floor experiences*, Vol. 18 (pp. 271–289). <http://www.socialsecurityextension.org/gimi/gess/RessShowRessource.do?ressourceId=20840>. Accessed 10 June 2012.
- Somkotra, T., & Lagrada, L.P. (2008). Payments for health care and its effect on catastrophe and impoverishment: Experience from the transition to universal coverage in Thailand. *Social Science and Medicine*. doi:10.1016/j.socscimed.2008.09.047. Accessed 19 July 2012.
- United Nations Development Programme. (2011). Sharing innovative experiences: Successful social protection floor experiences. www.ilo.org/gimi/gess/RessFileDownload.do?ressourceId=20840. Accessed 17 Dec 2012.
- Valente, M. (5 Sept 2011). In Argentina, child allowance restores families' ties with schools. *The Guardian*. <http://www.guardian.co.uk/global-development/2011/sep/05/argentina-child-allowance-poor-schools>. Accessed 23 July 2012.
- Yiengprugsawan, V., Carmichael, G.A., Lim, L.L.Y., Seubsman, S., & Sleigh, A.C. (2010a). Has universal health insurance reduced socioeconomic inequalities in urban and rural health service use in Thailand? *Health and Place*. doi:10.1016/j.healthplace.2010.06.010. Accessed 19 July 2012.
- Yiengprugsawan, V., Kelly, M., Seubsman, S., & Sleigh, A.C. (2010b). The first 10 years of the universal coverage scheme in Thailand: Review of its impact on health inequalities and lessons learnt for middle-income countries. *Australas epidemiology*, 17(3), 1–5. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3303123/pdf/ukmss-40418.pdf>. Accessed 19 July 2012.
- Younker, K. (12 Oct 2010). Asignación universal por hijo, one year later. *The Argentina Independent*. <http://www.argentinaindependent.com/socialissues/development/asignacion-universal-por-hijo-one-year-later/>. Accessed 23 July 2012.

Appendix A

Universal Declaration of Human Rights

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation the United Nations, the promotion of universal respect for and the observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and

effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and the security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

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 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

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.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the

just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

From Universal Declaration of Human Rights, by the United Nations General Assembly, © 1948 United Nations. Reprinted with the permission of the United Nations.

Appendix B

International Covenant on Economic, Social and Cultural Rights

Preamble

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.
2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in them present Covenant.
2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
 - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Article 8

1. The States Parties to the present Covenant undertake to ensure:
 - (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
 - (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

- (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
 - (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.
2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.
3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

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

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.
2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.
3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:
 - (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
 - (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
 - (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
 - (b) The improvement of all aspects of environmental and industrial hygiene;
 - (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
 - (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
 - (a) Primary education shall be compulsory and available free to all;
 - (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
 - (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
 - (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.
3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.
 4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:
 - (a) To take part in cultural life;
 - (b) To enjoy the benefits of scientific progress and its applications;
 - (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.
3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.
4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

PART IV

Article 16

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.
 - (a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;
 - (b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.
3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Article 19

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

Article 20

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 25

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART V

Article 26

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 29

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority

of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars:

- (a) Signatures, ratifications and accessions under article 26;
- (b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

From International Covenant on Economic, Social, and Cultural Rights, by the United Nations General Assembly, © 1966 United Nations. Reprinted with the permission of the United Nations.

Appendix C

Convention on the Rights of the Child

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the

Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”,

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall

respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and

shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive

family or cannot in any suitable manner be cared for in the child's country of origin;

- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or nongovernmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health

care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
 - (a) To diminish infant and child mortality;
 - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
 - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
 - (d) To ensure appropriate pre-natal and post-natal health care for mothers;
 - (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
 - (f) To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - (a) Make primary education compulsory and available free to all;
 - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
 - (d) Make educational and vocational information and guidance available and accessible to all children;
 - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
 3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:
 - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
 - (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
 - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
 - (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
 - (e) The development of respect for the natural environment.
2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
 - (a) Provide for a minimum age or minimum ages for admission to employment;
 - (b) Provide for appropriate regulation of the hours and conditions of employment;
 - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all

feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
 - (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
 - (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
 - (i) To be presumed innocent until proven guilty according to law;
 - (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
 - (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
 - (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
 - (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

- (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
 - (vii) To have his or her privacy fully respected at all stages of the proceedings.
3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:
- (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
 - (b) Whenever appropriate and desirable, measures for dealing with such one children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.
4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State party; or
- (b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.
2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.
7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
8. The Committee shall establish its own rules of procedure.
9. The Committee shall elect its officers for a period of two years.
10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.
11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:
 - (a) Within two years of the entry into force of the Convention for the State Party concerned;
 - (b) Thereafter every five years.
2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.
3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.
4. The Committee may request from States Parties further information relevant to the implementation of the Convention.
5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.
6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international cooperation in the field covered by the Convention:

- (a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
- (b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

- (c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;
- (d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.

From Convention on the Rights of the Child, by the United Nations General Assembly, © 1989 United Nations. Reprinted with the permission of the United Nations.

Appendix D

Convention on the Rights of Persons with Disabilities

Preamble

The States Parties to the present Convention,

- (a) *Recalling* the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,
- (b) *Recognizing* that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,
- (c) *Reaffirming* the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,
- (d) *Recalling* the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,
- (e) *Recognizing* that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others,
- (f) *Recognizing* the importance of the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and in the

Standard Rules on the Equalization of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of the policies, plans, programmes and actions at the national, regional and international levels to further equalize opportunities for persons with disabilities,

- (g) Emphasizing the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development,
- (h) *Recognizing* also that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person,
- (i) *Recognizing* further the diversity of persons with disabilities,
- (j) *Recognizing* the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support,
- (k) *Concerned* that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world,
- (l) *Recognizing* the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries,
- (m) *Recognizing* the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty,
- (n) *Recognizing* the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,
- (o) *Considering* that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them,
- (p) *Concerned* about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status,
- (q) *Recognizing* that women and girls with disabilities are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,
- (r) *Recognizing* that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalling obligations to that end undertaken by States Parties to the Convention on the Rights of the Child,

- (s) *Emphasizing* the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities,
- (t) *Highlighting* the fact that the majority of persons with disabilities live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on persons with disabilities,
- (u) *Bearing* in mind that conditions of peace and security based on full respect for the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights instruments are indispensable for the full protection of persons with disabilities, in particular during armed conflicts and foreign occupation,
- (v) *Recognizing* the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms,
- (w) *Realizing* that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Bill of Human Rights,
- (x) *Convinced* that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities,
- (y) *Convinced* that a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities will make a significant contribution to redressing the profound social disadvantage of persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres with equal opportunities, in both developing and developed countries,

Have agreed as follows:

Article 1

Purpose

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Article 2

Definitions

For the purposes of the present Convention:

“Communication” includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

“Language” includes spoken and signed languages and other forms of non-spoken languages;

“Discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;

“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

“Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Article 3

General principles

The principles of the present Convention shall be:

- (a) Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;
- (b) Non-discrimination;
- (c) Full and effective participation and inclusion in society;
- (d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- (e) Equality of opportunity;
- (f) Accessibility;
- (g) Equality between men and women;
- (h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Article 4

General obligations

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

- (a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
 - (b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
 - (c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;
 - (d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;
 - (e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
 - (f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;
 - (g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;
 - (h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;
 - (i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in the present Convention so as to better provide the assistance and services guaranteed by those rights.
2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.
 3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.
 4. Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for

that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.

5. The provisions of the present Convention shall extend to all parts of federal States without any limitations or exceptions.

Article 5

Equality and non-discrimination

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.
3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.
4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

Article 6

Women with disabilities

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.
2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

Article 7

Children with disabilities

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.
2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.
3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

Article 8

Awareness-raising

1. States Parties undertake to adopt immediate, effective and appropriate measures:
 - (a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;
 - (b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;
 - (c) To promote awareness of the capabilities and contributions of persons with disabilities.
2. Measures to this end include:
 - (a) Initiating and maintaining effective public awareness campaigns designed:
 - (i) To nurture receptiveness to the rights of persons with disabilities;
 - (ii) To promote positive perceptions and greater social awareness towards persons with disabilities;
 - (iii) To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;
 - (b) Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;
 - (c) Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;
 - (d) Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

Article 9

Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:
 - (a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
 - (b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures:

- (a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
- (b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
- (c) To provide training for stakeholders on accessibility issues facing persons with disabilities;
- (d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
- (e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- (f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- (g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- (h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Article 10

Right to life

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

Article 11

Situations of risk and humanitarian emergencies States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

Article 12

Equal recognition before the law

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.

4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.
5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

Article 13

Access to justice

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.
2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

Article 14

Liberty and security of person

1. States Parties shall ensure that persons with disabilities, on an equal basis with others:
 - (a) Enjoy the right to liberty and security of person;
 - (b) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.
2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of the present Convention, including by provision of reasonable accommodation.

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.
2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

Article 16

Freedom from exploitation, violence and abuse

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.
2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.
3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.
4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.
5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

Article 17

Protecting the integrity of the person

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

Article 18

Liberty of movement and nationality

1. States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:
 - (a) Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;
 - (b) Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;
 - (c) Are free to leave any country, including their own;
 - (d) Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.
2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

Article 19

Living independently and being included in the community

States Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- (a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- (b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- (c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

Article 20

Personal mobility

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

- (a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;

- (b) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;
- (c) Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;
- (d) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

Article 21

Freedom of expression and opinion, and access to information

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

- (a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- (b) Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
- (c) Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;
- (d) Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
- (e) Recognizing and promoting the use of sign languages.

Article 22

Respect for privacy

1. No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.
2. States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.

Article 23

Respect for home and the family

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:
 - (a) The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;
 - (b) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;
 - (c) Persons with disabilities, including children, retain their fertility on an equal basis with others.
2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their childrearing responsibilities.
3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.
4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.
5. States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

Article 24

Education

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

- (a) The full development of human potential and sense of dignity and selfworth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
 - (b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
 - (c) Enabling persons with disabilities to participate effectively in a free society.
2. In realizing this right, States Parties shall ensure that:
 - (a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
 - (b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
 - (c) Reasonable accommodation of the individual's requirements is provided;
 - (d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
 - (e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.
3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:
 - (a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
 - (b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
 - (c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.
4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

Article 25

Health

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

- (a) Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population based public health programmes;
- (b) Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;
- (c) Provide these health services as close as possible to people's own communities, including in rural areas;
- (d) Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;
- (e) Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;
- (f) Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

Article 26

Habilitation and rehabilitation

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:

- (a) Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;
 - (b) Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.
2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.
3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

Article 27

Work and employment

1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:
 - (a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
 - (b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
 - (c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
 - (d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
 - (e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
 - (f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
 - (g) Employ persons with disabilities in the public sector;
 - (h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;

- (i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
 - (j) Promote the acquisition by persons with disabilities of work experience in the open labour market;
 - (k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.
2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

Article 28

Adequate standard of living and social protection

1. States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.
2. States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:
 - (a) To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;
 - (b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;
 - (c) To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;
 - (d) To ensure access by persons with disabilities to public housing programmes;
 - (e) To ensure equal access by persons with disabilities to retirement benefits and programmes.

Article 29

Participation in political and public life

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:

- (a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely

chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

- (i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
 - (ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
 - (iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;
- (b) To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:
- (i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
 - (ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

Article 30

Participation in cultural life, recreation, leisure and sport

1. States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:
 - (a) Enjoy access to cultural materials in accessible formats;
 - (b) Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;
 - (c) Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.
2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.
3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute

an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.

4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.
5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:
 - (a) To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;
 - (b) To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;
 - (c) To ensure that persons with disabilities have access to sporting, recreational and tourism venues;
 - (d) To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;
 - (e) To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

Article 31

Statistics and data collection

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:
 - (a) Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;
 - (b) Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.
2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.
3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

Article 32

International cooperation

1. States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, *inter alia*:
 - (a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;
 - (b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
 - (c) Facilitating cooperation in research and access to scientific and technical knowledge;
 - (d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.
2. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.

Article 33

National implementation and monitoring

1. States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.
2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.
3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

Article 34

Committee on the Rights of Persons with Disabilities

1. There shall be established a Committee on the Rights of Persons with Disabilities (hereafter referred to as “the Committee”), which shall carry out the functions hereinafter provided.
2. The Committee shall consist, at the time of entry into force of the present Convention, of twelve experts. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six members, attaining a maximum number of eighteen members.
3. The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention. When nominating their candidates, States Parties are invited to give due consideration to the provision set out in article 4, paragraph 3, of the present Convention.
4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities.
5. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The initial election shall be held no later than six months after the date of entry into force of the present Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit the nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
7. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of six of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these six members shall be chosen by lot by the chairperson of the meeting referred to in paragraph 5 of this article.
8. The election of the six additional members of the Committee shall be held on the occasion of regular elections, in accordance with the relevant provisions of this article.
9. If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint another expert possessing the

qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.

10. The Committee shall establish its own rules of procedure.
11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention, and shall convene its initial meeting.
12. With the approval of the General Assembly of the United Nations, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
13. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 35

Reports by States Parties

1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.
2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.
3. The Committee shall decide any guidelines applicable to the content of the reports.
4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4, paragraph 3, of the present Convention.
5. Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention.

Article 36

Consideration of reports

1. Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the present Convention.

2. If a State Party is significantly overdue in the submission of a report, the Committee may notify the State Party concerned of the need to examine the implementation of the present Convention in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination. Should the State Party respond by submitting the relevant report, the provisions of paragraph 1 of this article will apply.
3. The Secretary-General of the United Nations shall make available the reports to all States Parties.
4. States Parties shall make their reports widely available to the public in their own countries and facilitate access to the suggestions and general recommendations relating to these reports.
5. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, funds and programmes of the United Nations, and other competent bodies, reports from States Parties in order to address a request or indication of a need for technical advice or assistance contained therein, along with the Committee's observations and recommendations, if any, on these requests or indications.

Article 37

Cooperation between States Parties and the Committee

1. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.
2. In its relationship with States Parties, the Committee shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention, including through international cooperation.

Article 38

Relationship of the Committee with other bodies

In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention:

- (a) The specialized agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

- (b) The Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.

Article 39

Report of the Committee

The Committee shall report every two years to the General Assembly and to the Economic and Social Council on its activities, and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

Article 40

Conference of States Parties

1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.
2. No later than six months after the entry into force of the present Convention, the Conference of States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General biennially or upon the decision of the Conference of States Parties.

Article 41

Depositary

The Secretary-General of the United Nations shall be the depositary of the present Convention.

Article 42

Signature

The present Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of 30 March 2007.

Article 43

Consent to be bound

The present Convention shall be subject to ratification by signatory States and to formal confirmation by signatory regional integration organizations. It shall be open for accession by any State or regional integration organization which has not signed the Convention.

Article 44

Regional integration organizations

1. “Regional integration organization” shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by the present Convention. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by the present Convention. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.
2. References to “States Parties” in the present Convention shall apply to such organizations within the limits of their competence.
3. For the purposes of article 45, paragraph 1, and article 47, paragraphs 2 and 3, of the present Convention, any instrument deposited by a regional integration organization shall not be counted.
4. Regional integration organizations, in matters within their competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to the present Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 45

Entry into force

1. The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.
2. For each State or regional integration organization ratifying, formally confirming or acceding to the present Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.

Article 46

Reservations

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.
2. Reservations may be withdrawn at any time.

Article 47

Amendments

1. Any State Party may propose an amendment to the present Convention and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a conference of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be

submitted by the Secretary-General to the General Assembly of the United Nations for approval and thereafter to all States Parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.
3. If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of this article which relates exclusively to articles 34, 38, 39 and 40 shall enter into force for all States Parties on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.

Article 48

Denunciation

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

Article 49

Accessible format

The text of the present Convention shall be made available in accessible formats.

Article 50

Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Convention shall be equally authentic.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

From Convention on the Rights of Persons with Disabilities, by the United Nations General Assembly, © 2006 United Nations. Reprinted with the permission of the United Nations.

Appendix E

United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as the Vienna Declaration and Programme of Action, affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognizing that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - (d) Any form of forced assimilation or integration;
 - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.
2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous

elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.
2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural

expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.
2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.
2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.
3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

From United Nations Declaration on the Rights of Indigenous Peoples, by the United Nations General Assembly, © 2007 United Nations. Reprinted with the permission of the United Nations.

Appendix F

C102-Social Security (Minimum Standards) Convention, 1952 (No. 102)

Preamble

The General Conference of the International Labour Organisation,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-fifth Session on 4 June 1952, and
Having decided upon the adoption of certain proposals with regard to minimum standards of social security, which are included in the fifth item on the agenda of the session, and
Having determined that these proposals shall take the form of an international Convention,
adopts this twenty-eighth day of June of the year one thousand nine hundred and fifty-two the following Convention, which may be cited as the Social Security (Minimum Standards) Convention, 1952:

PART I. GENERAL PROVISIONS

Article 1

1. In this Convention:

- (a) the term **prescribed** means determined by or in virtue of national laws or regulations;
- (b) the term **residence** means ordinary residence in the territory of the Member and the term **resident** means a person ordinarily resident in the territory of the Member;
- (c) the term **wife** means a wife who is maintained by her husband;
- (d) the term **widow** means a woman who was maintained by her husband at the time of his death;
- (e) the term **child** means a child under school-leaving age or under 15 years of age, as may be prescribed;

- (f) the term *qualifying period* means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.
2. In Articles 10, 34 and 49 the term *benefit* means either direct benefit in the form of care or indirect benefit consisting of a reimbursement of the expenses borne by the person concerned.

Article 2

Each Member for which this Convention is in force:

- (a) shall comply with:
- (i) Part I;
 - (ii) at least three of Parts II, III, IV, V, VI, VII, VIII, IX and X, including at least one of Parts IV, V, VI, IX and X;
 - (iii) the relevant provisions of Parts XI, XII and XIII; and
 - (iv) Part XIV; and
- (b) shall specify in its ratification in respect of which of Parts II to X it accepts the obligations of the Convention.

Article 3

1. A Member whose economy and medical facilities are insufficiently developed may, if and for so long as the competent authority considers necessary, avail itself, by a declaration appended to its ratification, of the temporary exceptions provided for in the following Articles: 9 (d); 12 (2); 15 (d); 18 (2); 21 (c); 27 (d); 33 (b); 34 (3); 41 (d); 48 (c); 55 (d); and 61 (d).
2. Each Member which has made a declaration under paragraph 1 of this Article shall include in the annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation a statement, in respect of each exception of which it avails itself:
- (a) that its reason for doing so subsists; or
 - (b) that it renounces its right to avail itself of the exception in question as from a stated date.

Article 4

1. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of one or more of Parts II to X not already specified in its ratification.
2. The undertakings referred to in paragraph 1 of this Article shall be deemed to be an integral part of the ratification and to have the force of ratification as from the date of notification.

Article 5

Where, for the purpose of compliance with any of the Parts II to X of this Convention which are to be covered by its ratification, a Member is required to protect prescribed classes of persons constituting not less than a specified percentage of employees or residents, the Member shall satisfy itself, before undertaking to comply with any such Part, that the relevant percentage is attained.

Article 6

For the purpose of compliance with Parts II, III, IV, V, VIII (in so far as it relates to medical care), IX or X of this Convention, a Member may take account of protection effected by means of insurance which, although not made compulsory by national laws or regulations for the persons to be protected:

- (a) is supervised by the public authorities or administered, in accordance with prescribed standards, by joint operation of employers and workers;
- (b) covers a substantial part of the persons whose earnings do not exceed those of the skilled manual male employee; and
- (c) complies, in conjunction with other forms of protection, where appropriate, with the relevant provisions of the Convention.

PART II. MEDICAL CARE

Article 7

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of benefit in respect of a condition requiring medical care of a preventive or curative nature in accordance with the following Articles of this Part.

Article 8

The contingencies covered shall include any morbid condition, whatever its cause, and pregnancy and confinement and their consequences.

Article 9

The persons protected shall comprise:

- (a) prescribed classes of employees, constituting not less than 50 percent. of all employees, and also their wives and children; or
- (b) prescribed classes of economically active population, constituting not less than 20 percent. of all residents, and also their wives and children; or
- (c) prescribed classes of residents, constituting not less than 50 percent. of all residents; or
- (d) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees constituting not less than 50 percent of all employees in industrial workplaces employing 20 persons or more, and also their wives and children.

Article 10

1. The benefit shall include at least:
 - (a) in case of a morbid condition:
 - (i) general practitioner care, including domiciliary visiting;
 - (ii) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;
 - (iii) the essential pharmaceutical supplies as prescribed by medical or other qualified practitioners; and
 - (iv) hospitalisation where necessary; and
 - (b) in case of pregnancy and confinement and their consequences:
 - (i) pre-natal, confinement and post-natal care either by medical practitioners or by qualified midwives; and
 - (ii) hospitalisation where necessary.
2. The beneficiary or his breadwinner may be required to share in the cost of the medical care the beneficiary receives in respect of a morbid condition; the rules concerning such cost-sharing shall be so designed as to avoid hardship.
3. The benefit provided in accordance with this Article shall be afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.
4. The institutions or Government departments administering the benefit shall, by such means as may be deemed appropriate, encourage the persons protected to avail themselves of the general health services placed at their disposal by the public authorities or by other bodies recognised by the public authorities.

Article 11

The benefit specified in Article 10 shall, in a contingency covered, be secured at least to a person protected who has completed, or whose breadwinner has completed, such qualifying period as may be considered necessary to preclude abuse.

Article 12

1. The benefit specified in Article 10 shall be granted throughout the contingency covered, except that, in case of a morbid condition, its duration may be limited to 26 weeks in each case, but benefit shall not be suspended while a sickness benefit continues to be paid, and provision shall be made to enable the limit to be extended for prescribed diseases recognised as entailing prolonged care.
2. Where a declaration made in virtue of Article 3 is in force, the duration of the benefit may be limited to 13 weeks in each case.

PART III. SICKNESS BENEFIT

Article 13

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of sickness benefit in accordance with the following Articles of this Part.

Article 14

The contingency covered shall include incapacity for work resulting from a morbid condition and involving suspension of earnings, as defined by national laws or regulations.

Article 15

The persons protected shall comprise:

- (a) prescribed classes of employees, constituting not less than 50 percent. of all employees; or
- (b) prescribed classes of the economically active population, constituting not less than 20 percent. of all residents; or
- (c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67; or
- (d) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees, constituting not less than 50 percent. of all employees in industrial workplaces employing 20 persons or more.

Article 16

- 1. Where classes of employees or classes of the economically active population are protected, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.
- 2. Where all residents whose means during the contingency do not exceed prescribed limits are protected, the benefit shall be a periodical payment calculated in such a manner as to comply with the requirements of Article 67.

Article 17

The benefit specified in Article 16 shall, in a contingency covered, be secured at least to a person protected who has completed such qualifying period as may be considered necessary to preclude abuse.

Article 18

- 1. The benefit specified in Article 16 shall be granted throughout the contingency, except that the benefit may be limited to 26 weeks in each case of sickness, in which event it need not be paid for the first three days of suspension of earnings.

2. Where a declaration made in virtue of Article 3 is in force, the duration of the benefit may be limited:
 - (a) to such period that the total number of days for which the sickness benefit is granted in any year is not less than ten times the average number of persons protected in that year; or
 - (b) to 13 weeks in each case of sickness, in which event it need not be paid for the first three days of suspension of earnings.

PART IV. UNEMPLOYMENT BENEFIT

Article 19

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of unemployment benefit in accordance with the following Articles of this Part.

Article 20

The contingency covered shall include suspension of earnings, as defined by national laws or regulations, due to inability to obtain suitable employment in the case of a person protected who is capable of, and available for, work.

Article 21

The persons protected shall comprise:

- (a) prescribed classes of employees, constituting not less than 50 percent. of all employees; or
- (b) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67; or
- (c) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees, constituting not less than 50 percent. of all employees in industrial workplaces employing 20 persons or more.

Article 22

1. Where classes of employees are protected, the benefit shall be a periodical payment calculated in such manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.
2. Where all residents whose means during the contingency do not exceed prescribed limits are protected, the benefit shall be a periodical payment calculated in such a manner as to comply with the requirements of Article 67.

Article 23

The benefit specified in Article 22 shall, in a contingency covered, be secured at least to a person protected who has completed such qualifying period as may be considered necessary to preclude abuse.

Article 24

1. The benefit specified in Article 22 shall be granted throughout the contingency, except that its duration may be limited:
 - (a) where classes of employees are protected, to 13 weeks within a period of 12 months, or
 - (b) where all residents whose means during the contingency do not exceed prescribed limits are protected, to 26 weeks within a period of 12 months.
2. Where national laws or regulations provide that the duration of the benefit shall vary with the length of the contribution period and/or the benefit previously received within a prescribed period, the provisions of subparagraph (a) of paragraph 1 shall be deemed to be fulfilled if the average duration of benefit is at least 13 weeks within a period of 12 months.
3. The benefit need not be paid for a waiting period of the first seven days in each case of suspension of earnings, counting days of unemployment before and after temporary employment lasting not more than a prescribed period as part of the same case of suspension of earnings.
4. In the case of seasonal workers the duration of the benefit and the waiting period may be adapted to their conditions of employment.

PART V. OLD-AGE BENEFIT

Article 25

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of old-age benefit in accordance with the following Articles of this Part.

Article 26

1. The contingency covered shall be survival beyond a prescribed age.
2. The prescribed age shall be not more than 65 years or such higher age as may be fixed by the competent authority with due regard to the working ability of elderly persons in the country concerned.
3. National laws or regulations may provide that the benefit of a person otherwise entitled to it may be suspended if such person is engaged in any prescribed gainful activity or that the benefit, if contributory, may be reduced where the earnings of the beneficiary exceed a prescribed amount and, if non-contributory, may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.

Article 27

The persons protected shall comprise:

- (a) prescribed classes of employees, constituting not less than 50 percent. of all employees; or

- (b) prescribed classes of the economically active population, constituting not less than 20 percent. of all residents; or
- (c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67; or
- (d) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees, constituting not less than 50 percent. of all employees in industrial workplaces employing 20 persons or more.

Article 28

The benefit shall be a periodical payment calculated as follows:

- (a) where classes of employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;
- (b) where all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67.

Article 29

1. The benefit specified in Article 28 shall, in a contingency covered, be secured at least:
 - (a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 30 years of contribution or employment, or 20 years of residence; or
 - (b) where, in principle, all economically active persons are protected, to a person protected who has completed a prescribed qualifying period of contribution and in respect of whom, while he was of working age, the prescribed yearly average number of contributions has been paid.
2. Where the benefit referred to in paragraph 1 is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:
 - (a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of 15 years of contribution or employment; or
 - (b) where, in principle, all economically active persons are protected, to a person protected who has completed a prescribed qualifying period of contribution and in respect of whom, while he was of working age, half the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.
3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but at a percentage of ten points lower than shown in the Schedule appended to that

Part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, ten years of contribution or employment, or five years of residence.

4. A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds ten years of contribution or employment but is less than 30 years of contribution or employment; if such qualifying period exceeds 15 years, a reduced benefit shall be payable in conformity with paragraph 2 of this Article.
5. Where the benefit referred to in paragraphs 1, 3 or 4 of this Article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be payable under prescribed conditions to a person protected who, by reason only of his advanced age when the provisions concerned in the application of this Part come into force, has not satisfied the conditions prescribed in accordance with paragraph 2 of this Article, unless a benefit in conformity with the provisions of paragraphs 1, 3 or 4 of this Article is secured to such person at an age higher than the normal age.

Article 30

The benefits specified in Articles 28 and 29 shall be granted throughout the contingency.

PART VI. EMPLOYMENT INJURY BENEFIT

Article 31

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of employment injury benefit in accordance with the following Articles of this Part.

Article 32

The contingencies covered shall include the following where due to accident or a prescribed disease resulting from employment:

- (a) a morbid condition;
- (b) incapacity for work resulting from such a condition and involving suspension of earnings, as defined by national laws or regulations;
- (c) total loss of earning capacity or partial loss thereof in excess of a prescribed degree, likely to be permanent, or corresponding loss of faculty; and
- (d) the loss of support suffered by the widow or child as the result of the death of the breadwinner; in the case of a widow, the right to benefit may be made conditional on her being presumed, in accordance with national laws or regulations, to be incapable of self-support.

Article 33

The persons protected shall comprise:

- (a) prescribed classes of employees, constituting not less than 50 percent. of all employees, and, for benefit in respect of death of the breadwinner, also their wives and children; or
- (b) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees, constituting not less than 50 percent. of all employees in industrial workplaces employing 20 persons or more, and, for benefit in respect of death of the breadwinner, also their wives and children.

Article 34

1. In respect of a morbid condition, the benefit shall be medical care as specified in paragraphs 2 and 3 of this Article.
2. The medical care shall comprise:
 - (a) general practitioner and specialist in-patient care and out-patient care, including domiciliary visiting;
 - (b) dental care;
 - (c) nursing care at home or in hospital or other medical institutions;
 - (d) maintenance in hospitals, convalescent homes, sanatoria or other medical institutions;
 - (e) dental, pharmaceutical and other medical or surgical supplies, including prosthetic appliances, kept in repair, and eyeglasses; and
 - (f) the care furnished by members of such other professions as may at any time be legally recognised as allied to the medical profession, under the supervision of a medical or dental practitioner.
3. Where a declaration made in virtue of Article 3 is in force, the medical care shall include at least:
 - (a) general practitioner care, including domiciliary visiting;
 - (b) specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;
 - (c) the essential pharmaceutical supplies as prescribed by a medical or other qualified practitioner; and
 - (d) hospitalisation where necessary.
4. The medical care provided in accordance with the preceding paragraphs shall be afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.

Article 35

1. The institutions or Government departments administering the medical care shall co-operate, wherever appropriate, with the general vocational rehabilitation services, with a view to the re-establishment of handicapped persons in suitable work.
2. National laws or regulations may authorise such institutions or departments to ensure provision for the vocational rehabilitation of handicapped persons.

Article 36

1. In respect of incapacity for work, total loss of earning capacity likely to be permanent or corresponding loss of faculty, or the death of the breadwinner, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.
2. In case of partial loss of earning capacity likely to be permanent, or corresponding loss of faculty, the benefit, where payable, shall be a periodical payment representing a suitable proportion of that specified for total loss of earning capacity or corresponding loss of faculty.
3. The periodical payment may be commuted for a lump sum:
 - (a) where the degree of incapacity is slight; or
 - (b) where the competent authority is satisfied that the lump sum will be properly utilised.

Article 37

The benefit specified in Articles 34 and 36 shall, in a contingency covered, be secured at least to a person protected who was employed in the territory of the Member at the time of the accident if the injury is due to accident or at the time of contracting the disease if the injury is due to a disease and, for periodical payments in respect of death of the breadwinner, to the widow and children of such person.

Article 38

The benefit specified in Articles 34 and 36 shall be granted throughout the contingency, except that, in respect of incapacity for work, the benefit need not be paid for the first three days in each case of suspension of earnings.

PART VII. FAMILY BENEFIT

Article 39

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of family benefit in accordance with the following Articles of this Part.

Article 40

The contingency covered shall be responsibility for the maintenance of children as prescribed.

Article 41

The persons protected shall comprise:

- (a) prescribed classes of employees, constituting not less than 50 percent. of all employees; or
- (b) prescribed classes of the economically active population, constituting not less than 20 percent. of all residents; or

- (c) all residents whose means during the contingency do not exceed prescribed limits; or
- (d) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees, constituting not less than 50 percent. of all employees in industrial workplaces employing 20 persons or more.

Article 42

The benefit shall be:

- (a) a periodical payment granted to any person protected having completed the prescribed qualifying period; or
- (b) the provision to or in respect of children, of food, clothing, housing, holidays or domestic help; or
- (c) a combination of (a) and (b).

Article 43

The benefit specified in Article 42 shall be secured at least to a person protected who, within a prescribed period, has completed a qualifying period which may be three months of contribution or employment, or one year of residence, as may be prescribed.

Article 44

The total value of the benefits granted in accordance with Article 42 to the persons protected shall be such as to represent:

- (a) 3 percent. of the wage of an ordinary adult male labourer, as determined in accordance with the rules laid down in Article 66, multiplied by the total number of children of persons protected; or
- (b) 1.5 percent. of the said wage, multiplied by the total number of children of all residents.

Article 45

Where the benefit consists of a periodical payment, it shall be granted throughout the contingency.

PART VIII. MATERNITY BENEFIT

Article 46

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of maternity benefit in accordance with the following Articles of this Part.

Article 47

The contingencies covered shall include pregnancy and confinement and their consequences, and suspension of earnings, as defined by national laws or regulations, resulting therefrom.

Article 48

The persons protected shall comprise:

- (a) all women in prescribed classes of employees, which classes constitute not less than 50 percent. of all employees and, for maternity medical benefit, also the wives of men in these classes; or
- (b) all women in prescribed classes of the economically active population, which classes constitute not less than 20 percent. of all residents, and, for maternity medical benefit, also the wives of men in these classes; or
- (c) where a declaration made in virtue of Article 3 is in force, all women in prescribed classes of employees, which classes constitute not less than 50 percent. of all employees in industrial workplaces employing 20 persons or more, and, for maternity medical benefit, also the wives of men in these classes.

Article 49

- 1. In respect of pregnancy and confinement and their consequences, the maternity medical benefit shall be medical care as specified in paragraphs 2 and 3 of this Article.
- 2. The medical care shall include at least:
 - (a) pre-natal, confinement and post-natal care either by medical practitioners or by qualified midwives; and
 - (b) hospitalisation where necessary.
- 3. The medical care specified in paragraph 2 of this Article shall be afforded with a view to maintaining, restoring or improving the health of the woman protected and her ability to work and to attend to her personal needs.
- 4. The institutions or Government departments administering the maternity medical benefit shall, by such means as may be deemed appropriate, encourage the women protected to avail themselves of the general health services placed at their disposal by the public authorities or by other bodies recognised by the public authorities.

Article 50

In respect of suspension of earnings resulting from pregnancy and from confinement and their consequences, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66. The amount of the periodical payment may vary in the course of the contingency, subject to the average rate thereof complying with these requirements.

Article 51

The benefit specified in Articles 49 and 50 shall, in a contingency covered, be secured at least to a woman in the classes protected who has completed such qualifying period as may be considered necessary to preclude abuse, and the

benefit specified in Article 49 shall also be secured to the wife of a man in the classes protected where the latter has completed such qualifying period.

Article 52

The benefit specified in Articles 49 and 50 shall be granted throughout the contingency, except that the periodical payment may be limited to 12 weeks, unless a longer period of abstention from work is required or authorised by national laws or regulations, in which event it may not be limited to a period less than such longer period.

PART IX. INVALIDITY BENEFIT

Article 53

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of invalidity benefit in accordance with the following Articles of this Part.

Article 54

The contingency covered shall include inability to engage in any gainful activity, to an extent prescribed, which inability is likely to be permanent or persists after the exhaustion of sickness benefit.

Article 55

The persons protected shall comprise:

- (a) prescribed classes of employees, constituting not less than 50 percent. of all employees; or
- (b) prescribed classes of the economically active population, constituting not less than 20 percent. of all residents; or
- (c) all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67; or
- (d) where a declaration made in virtue of Article 3 is in force, prescribed classes of employees, constituting not less than 50 percent. of all employees in industrial workplaces employing 20 persons or more.

Article 56

The benefit shall be a periodical payment calculated as follows:

- (a) where classes of employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;
- (b) where all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67.

Article 57

1. The benefit specified in Article 56 shall, in a contingency covered, be secured at least:
 - (a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or 10 years of residence; or
 - (b) where, in principle, all economically active persons are protected, to a person protected who has completed a qualifying period of three years of contribution and in respect of whom, while he was of working age, the prescribed yearly average number of contributions has been paid.
2. Where the benefit referred to in paragraph 1 is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:
 - (a) to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of five years of contribution or employment; or
 - (b) where, in principle, all economically active persons are protected, to a person protected who has completed a qualifying period of three years of contribution and in respect of whom, while he was of working age, half the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.
3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but at a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, five years of contribution, employment or residence.
4. A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the pension corresponding to the reduced percentage exceeds five years of contribution or employment but is less than 15 years of contribution or employment; a reduced pension shall be payable in conformity with paragraph 2 of this Article.

Article 58

The benefit specified in Articles 56 and 57 shall be granted throughout the contingency or until an old-age benefit becomes payable.

PART X. SURVIVORS' BENEFIT

Article 59

Each Member for which this Part of this Convention is in force shall secure to the persons protected the provision of survivors' benefit in accordance with the following Articles of this Part.

Article 60

1. The contingency covered shall include the loss of support suffered by the widow or child as the result of the death of the breadwinner; in the case of a widow, the right to benefit may be made conditional on her being presumed, in accordance with national laws or regulations, to be incapable of self-support.
2. National laws or regulations may provide that the benefit of a person otherwise entitled to it may be suspended if such person is engaged in any prescribed gainful activity or that the benefit, if contributory, may be reduced where the earnings of the beneficiary exceed a prescribed amount, and, if non-contributory, may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.

Article 61

The persons protected shall comprise:

- (a) the wives and the children of breadwinners in prescribed classes of employees, which classes constitute not less than 50 percent. of all employees; or
- (b) the wives and the children of breadwinners in prescribed classes of the economically active population, which classes constitute not less than 20 percent. of all residents; or
- (c) all resident widows and resident children who have lost their breadwinner and whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67; or
- (d) where a declaration made in virtue of Article 3 is in force, the wives and the children of breadwinners in prescribed classes of employees, which classes constitute not less than 50 percent. of all employees in industrial workplaces employing 20 persons or more.

Article 62

The benefit shall be a periodical payment calculated as follows:

- (a) where classes of employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;
- (b) where all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67.

Article 63

1. The benefit specified in Article 62 shall, in a contingency covered, be secured at least:
 - (a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or 10 years of residence; or

- (b) where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, the prescribed yearly average number of contributions has been paid.
2. Where the benefit referred to in paragraph 1 is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:
 - (a) to a person protected whose breadwinner has completed, in accordance with prescribed rules, a qualifying period of five years of contribution or employment; or
 - (b) where, in principle, the wives and children of all economically active persons are protected, to a person protected whose breadwinner has completed a qualifying period of three years of contribution and in respect of whose breadwinner, while he was of working age, half the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.
 3. The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected whose breadwinner has completed, in accordance with prescribed rules, five years of contribution, employment or residence.
 4. A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds five years of contribution or employment but is less than 15 years of contribution or employment; a reduced benefit shall be payable in conformity with paragraph 2 of this Article.
 5. In order that a childless widow presumed to be incapable of self-support may be entitled to a survivor's benefit, a minimum duration of the marriage may be required.

Article 64

The benefit specified in Articles 62 and 63 shall be granted throughout the contingency.

PART XI. STANDARDS TO BE COMPLIED WITH BY PERIODICAL PAYMENTS

Article 65

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in

question, for the standard beneficiary indicated in the Schedule appended to this Part, at least the percentage indicated therein of the total of the previous earnings of the beneficiary or his breadwinner and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.

2. The previous earnings of the beneficiary or his breadwinner shall be calculated according to prescribed rules, and, where the persons protected or their breadwinners are arranged in classes according to their earnings, their previous earnings may be calculated from the basic earnings of the classes to which they belonged.
3. A maximum limit may be prescribed for the rate of the benefit or for the earnings taken into account for the calculation of the benefit, provided that the maximum limit is fixed in such a way that the provisions of paragraph 1 of this Article are complied with where the previous earnings of the beneficiary or his breadwinner are equal to or lower than the wage of a skilled manual male employee.
4. The previous earnings of the beneficiary or his breadwinner, the wage of the skilled manual male employee, the benefit and any family allowances shall be calculated on the same time basis.
5. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.
6. For the purpose of this Article, a skilled manual male employee shall be:
 - (a) a fitter or turner in the manufacture of machinery other than electrical machinery; or
 - (b) a person deemed typical of skilled labour selected in accordance with the provisions of the following paragraph; or
 - (c) a person whose earnings are such as to be equal to or greater than the earnings of 75 percent. of all the persons protected, such earnings to be determined on the basis of annual or shorter periods as may be prescribed; or
 - (d) a person whose earnings are equal to 125 percent. of the average earnings of all the persons protected.
7. The person deemed typical of skilled labour for the purposes of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose, the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, and reproduced in the Annex to this Convention, or such classification as at any time amended, shall be used.

8. Where the rate of benefit varies by region, the skilled manual male employee may be determined for each region in accordance with paragraphs 6 and 7 of this Article.
9. The wage of the skilled manual male employee shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 8 of this Article is not applied, the median rate shall be taken.
10. The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

Article 66

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in the Schedule appended to this Part, at least the percentage indicated therein of the total of the wage of an ordinary adult male labourer and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.
2. The wage of the ordinary adult male labourer, the benefit and any family allowances shall be calculated on the same time basis.
3. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.
4. For the purpose of this Article, the ordinary adult male labourer shall be:
 - (a) A person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery; or
 - (b) A person deemed typical of unskilled labour selected in accordance with the provisions of the following paragraph.
5. The person deemed typical of unskilled labour for the purpose of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose, the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, and reproduced in the Annex to this Convention, or such classification as at any time amended, shall be used.

6. Where the rate of benefit varies by region, the ordinary adult male labourer may be determined for each region in accordance with paragraphs 4 and 5 of this Article.
7. The wage of the ordinary adult male labourer shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 6 of this Article is not applied, the median rate shall be taken.
8. The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

Article 67

In the case of a periodical payment to which this Article applies:

- (a) the rate of the benefit shall be determined according to a prescribed scale or a scale fixed by the competent public authority in conformity with prescribed rules;
- (b) such rate may be reduced only to the extent by which the other means of the family of the beneficiary exceed prescribed substantial amounts or substantial amounts fixed by the competent public authority in conformity with prescribed rules;
- (c) the total of the benefit and any other means, after deduction of the substantial amounts referred to in subparagraph (b), shall be sufficient to maintain the family of the beneficiary in health and decency, and shall be not less than the corresponding benefit calculated in accordance with the requirements of Article 66;
- (d) the provisions of subparagraph (c) shall be deemed to be satisfied if the total amount of benefits paid under the Part concerned exceeds by at least 30 percent. the total amount of benefits which would be obtained by applying the provisions of Article 66 and the provisions of:
 - (i) Article 15 (b) for Part III;
 - (ii) Article 27 (b) for Part V;
 - (iii) Article 55 (b) for Part IX;
 - (iv) Article 61 (b) for Part X.

Part	Contingency	Standard beneficiary	Percentage
III	Sickness	Man with wife and two children	45
IV	Unemployment	Man with wife and two children	45
V	Old age	Man with wife of pensionable age	40
VI	<i>Employment injury</i>		
	Incapacity of work	Man with wife and two children	50
	Invalidity	Man with wife and two children	50
	Survivors	Widow with two children	40
VIII	Maternity	Women	45
IX	Invalidity	Man with wife and two children	40
X	Survivors	Widow with two children	40

PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS

Article 68

1. Non-national residents shall have the same rights as national residents: Provided that special rules concerning non-nationals and nationals born outside the territory of the Member may be prescribed in respect of benefits or portions of benefits which are payable wholly or mainly out of public funds and in respect of transitional schemes.
2. Under contributory social security schemes which protect employees, the persons protected who are nationals of another Member which has accepted the obligations of the relevant Part of the Convention shall have, under that Part, the same rights as nationals of the Member concerned: Provided that the application of this paragraph may be made subject to the existence of a bilateral or multilateral agreement providing for reciprocity.

PART XIII. COMMON PROVISIONS

Article 69

A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to X of this Convention may be suspended to such extent as may be prescribed:

- (a) as long as the person concerned is absent from the territory of the Member;
- (b) as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to any portion of the benefit in excess of the value of such maintenance being granted to the dependants of the beneficiary;
- (c) as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the indemnity by a third party;

- (d) where the person concerned has made a fraudulent claim;
- (e) where the contingency has been caused by a criminal offence committed by the person concerned;
- (f) where the contingency has been caused by the wilful misconduct of the person concerned;
- (g) in appropriate cases, where the person concerned neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;
- (h) in the case of unemployment benefit, where the person concerned has failed to make use of the employment services placed at his disposal;
 - (i) in the case of unemployment benefit, where the person concerned has lost his employment as a direct result of a stoppage of work due to a trade dispute, or has left it voluntarily without just cause; and
- (j) in the case of survivors' benefit, as long as the widow is living with a man as his wife.

Article 70

1. Every claimant shall have a right of appeal in case of refusal of the benefit or complaint as to its quality or quantity.
2. Where in the application of this Convention a Government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this Article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.
3. Where a claim is settled by a special tribunal established to deal with social security questions and on which the persons protected are represented, no right of appeal shall be required.

Article 71

1. The cost of the benefits provided in compliance with this Convention and the cost of the administration of such benefits shall be borne collectively by way of insurance contributions or taxation or both in a manner which avoids hardship to persons of small means and takes into account the economic situation of the Member and of the classes of persons protected.
2. The total of the insurance contributions borne by the employees protected shall not exceed 50 percent of the total of the financial resources allocated to the protection of employees and their wives and children. For the purpose of ascertaining whether this condition is fulfilled, all the benefits provided by the Member in compliance with this Convention, except family benefit and, if provided by a special branch, employment injury benefit, may be taken together.
3. The Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention, and shall take all

measures required for this purpose; it shall ensure, where appropriate, that the necessary actuarial studies and calculations concerning financial equilibrium are made periodically and, in any event, prior to any change in benefits, the rate of insurance contributions, or the taxes allocated to covering the contingencies in question.

Article 72

1. Where the administration is not entrusted to an institution regulated by the public authorities or to a Government department responsible to a legislature, representatives of the persons protected shall participate in the management, or be associated therewith in a consultative capacity, under prescribed conditions; national laws or regulations may likewise decide as to the participation of representatives of employers and of the public authorities.
2. The Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of the Convention.

PART XIV. MISCELLANEOUS PROVISIONS

Article 73

This Convention shall not apply to:

- (a) contingencies which occurred before the coming into force of the relevant Part of the Convention for the Member concerned;
- (b) benefits in contingencies occurring after the coming into force of the relevant Part of the Convention for the Member concerned in so far as the rights to such benefits are derived from periods preceding that date.

Article 74

This Convention shall not be regarded as revising any existing Convention.

Article 75

If any Convention which may be adopted subsequently by the Conference concerning any subject or subjects dealt with in this Convention so provides, such provisions of this Convention as may be specified in the said Convention shall cease to apply to any Member having ratified the said Convention as from the date at which the said Convention comes into force for that Member.

Article 76

1. Each Member which ratifies this Convention shall include in the annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation:
 - (a) full information concerning the laws and regulations by which effect is given to the provisions of the Convention; and
 - (b) evidence, conforming in its presentation as closely as is practicable with any suggestions for greater uniformity of presentation made by the

Governing Body of the International Labour Office, of compliance with the statistical conditions specified in:

- (i) Articles 9 (a), (b), (c) or (d); 15 (a), (b) or (d); 21 (a) or (c); 27 (a), (b) or (d); 33 (a) or (b); 41 (a), (b) or (d); 48 (a), (b) or (c); 55 (a (a), (b) or (d); 61 (a), (b) or (d), as regards the number of persons protected;
 - (ii) Articles 44, 65, 66 or 67, as regards the rates of benefit;
 - (iii) subparagraph (a) of paragraph 2 of Article 18, as regards duration of sickness benefit;
 - (iv) paragraph 2 of Article 24, as regards duration of unemployment benefit; and
 - (v) paragraph 2 of Article 71, as regards the proportion of the financial resources constituted by the insurance contributions of employees protected.
2. Each Member which ratifies this Convention shall report to the Director-General of the International Labour Office at appropriate intervals, as requested by the Governing Body, on the position of its law and practice in regard to any of Parts II to X of the Convention not specified in its ratification or in a notification made subsequently in virtue of Article 4.

Article 77

1. This Convention does not apply to seamen or seafishermen; provision for the protection of seamen and seafishermen has been made by the International Labour Conference in the Social Security (Seafarers) Convention, 1946, and the Seafarers' Pensions Convention, 1946.
2. A Member may exclude seamen and sea fishermen from the number of employees, of the economically active population or of residents, when calculating the percentage of employees or residents protected in compliance with any of Parts II to X covered by its ratification.

PART XV. FINAL PROVISIONS

Article 78

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 79

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

Article 80

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of Article 35 of the Constitution of the International Labour Organisation shall indicate:
 - (a) the territories in respect of which the Member concerned undertakes that the provisions of the Convention shall be applied without modification;
 - (b) the territories in respect of which it undertakes that the provisions of the Convention or of any Parts thereof shall be applied subject to modifications, together with details of the said modifications;
 - (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
 - (d) the territories in respect of which it reserves its decision pending further consideration of the position.
2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.
3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservation made in its original declaration in virtue of subparagraph (b), (c) or (d) of paragraph 1 of this Article.
4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 82, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 81

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 4 or 5 of Article 35 of the Constitution of the International Labour Organisation shall indicate whether the provisions of the Convention or of the Parts thereof accepted by the Declaration will be applied in the territory concerned without modification or subject to modifications; when the Declaration indicates that the provisions of the Convention or of certain Parts thereof will be applied subject to modifications, it shall give details of the said modifications.
2. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.
3. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 82, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 82

1. A Member which has ratified this Convention may, after the expiration of the ten years from the date on which the Convention first comes into force, denounce the Convention or any one or more of Parts II to X thereof by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce the Convention or any one of Parts II to X thereof at the expiration of each period of ten years under the terms provided for in this Article.

Article 83

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 84

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 85

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 86

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 82 above, if and when the new revising Convention shall have come into force;

- (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.
- 2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 87

The English and French versions of the text of this Convention are equally authoritative.

Copyright © 1952 International Labour Organization. Reproduced with permission.