

in preventing poverty of children and older persons, and alleviating the effects of youth unemployment. The right to social security, as outlined in General Comment No. 19 by the Committee on Economic, Social and Cultural Rights, is of central importance for guaranteeing a life of dignity. It encompasses the right to access and maintain benefits without discrimination and to secure protection from the lack of work-related income due to sickness, disability, maternity, employment injury, unemployment, old age or death of a family member, unaffordable access to health care or insufficient family support, particularly for children and adult dependants.

- Budgets should be ring-fenced to ensure that essential goods and services required to meet the minimum core obligations are universally accessible. Constitutional guarantees of social protection must insulate core social insurance and social assistance programmes from short-term austerity measures. Marginalized groups must be protected as a matter of priority with the adoption, for example, of relatively low-cost targeted programmes.

- Austerity measures have gendered implications on women's and men's right to social security. Women's jobs are often more precarious than men's and women are more likely than men to engage in unpaid labour to make up for reduced public services, in particular health and social care services. Social and economic policies should correct this imbalance by promoting equality between women and men instead of deepening the gap. Childcare, for example, should be guaranteed as a social protection measure.

- Older persons are potentially vulnerable to the detrimental effects of reductions in social services

and benefits. Social pensions are a critical element of the right to social security for older persons whose enjoyment of economic and social rights is severely curtailed without an adequate social pension. Older women are especially at risk. They live longer and the unpaid care work they perform throughout their life obstructs their ability to access formal employment and hence, contributory social security or decent wages. States are bound to progressively ensure that everyone is covered by contributory or non-contributory social pension systems, and should strive to ensure at least a social protection floor, particularly in time of crisis.

- Austerity measures may negatively impact persons with disabilities by increasing their dependence on families, lowering their social participation and for many, challenging their ability to live with dignity.

- As member States strive to mobilize the maximum available resources to meet their human rights obligations, the IFIs should contribute to this by ensuring that the conditions they attach to loans, the blueprints underpinning their ranking methods, and their negotiations, do not limit the options of member States to fulfil their human rights obligations. IFIs should ensure that loans to countries are not saddled by conditions that weaken the labour market or social security systems and institutions.

<sup>1</sup> IMF, "Fiscal Monitor : Fiscal Adjustment in an Uncertain World", April 2013.

<sup>2</sup> I. Ortiz and M. Cummins, "Age of Austerity : A Review of Public Expenditures and Adjustment Measures in 181 Countries", Initiative for Policy Dialogue and the South Centre Working Paper, May 2013; Report of the UN Independent Expert on extreme poverty and human rights, Magdalena Sepúlveda Carmona, 17 March 2011, A/HRC/17/34.



## **Key advocacy messages on austerity measures and the right to social security**

### **Introduction**

In 2008, the world suffered what is considered to be the worst global economic crisis since the "Great Depression" of the 1930s. While some recovery seemed to be under way in 2010, the global economy slowed down markedly in 2011 in the second phase of the crisis, with an enhanced impact on countries of Southern Europe. The policy response to the second wave of the crisis (2011-2013) was characterised by a set of austerity measures - which include contractionary fiscal policies, cuts in public expenditure, selective tax hikes, pension reforms and reductions in labour protection – all aimed at curbing public deficits, revitalising the economy and gaining financial market confidence. After these years of austerity, the chosen measures have not yet achieved their stated aims<sup>1</sup>. Presently, developed countries continue to struggle to counter the economic damage suffered, while developing countries face continuous uncertainty and diminished growth prospects.

In general, austerity measures fall into four categories, each with its own unique consequences for the enjoyment of human rights: a) public budget contractions affecting social spending, b) regressive taxation measures, c) labour market reforms, and d) structural reforms to pension plans<sup>2</sup>. Together, these measures are seen to have exacerbated rather than ameliorated the negative human rights impact of the global financial crisis, while often stalling recovery and deepening existing structural inequalities.

As such, austerity measures raise important concerns regarding the enjoyment of economic and social rights, particularly in relation to the duty on the part of States of progressive realization, non-retrogression, non-discrimination and compliance with minimum core obligations. The impact of austerity measures is seen to be particularly acute for the most vulnerable and marginalized groups in society including women, children, minorities, migrants, persons with disabilities, older persons, youth and the poor, who suffer from decreasing avenues for work and social welfare programmes, and reduced affordability of food, housing, water, medical care and other basic needs.

For this reason, shedding further light on the human rights implications of austerity measures is extremely important. International human rights instruments provide a normative framework to assess the permissibility and extent of austerity measures, and their alignment with State Parties' human rights obligations under international human rights law. The interpretive framework developed by the Committee on Economic, Social and Cultural Rights on the scope of the obligations included in the International Covenant on Economic, Social and Cultural Rights

offers important guidance for this assessment.

This note elaborates key human rights messages regarding the human rights impact of austerity measures in the wake of the recent economic crisis, with a specific focus on the right to social security. These messages stem from the research conducted by OHCHR for the preparation of the ECOSOC thematic report "Austerity measures and economic, social and cultural rights" and the OHCHR experts' consultation on "The right to social security in the context of austerity measures" (Geneva, August 2013).

### **Key human rights messages**

- International human rights law provides a legally binding framework for the exercise of State power in the context of economic policy-making. All States are bound to respect, protect and fulfil human rights including by integrating the human rights principles of non-discrimination, equality, accountability, transparency and participation into policy-making. All States must ensure, at the very minimum, that their economic policies do not endanger the actual enjoyment of human rights in their territory or abroad.
- State parties to the ICESCR have an immediate core obligation to ensure the satisfaction, at the very least, of minimum essential levels of all economic, social and cultural rights, including the right to social security. These minimum essential levels are crucial to securing an adequate standard of living through basic subsistence, essential primary health care, basic shelter and housing, and basic forms of education for all members of society. The obligation to access and enjoy these minimum essential levels of rights cannot

be suspended even during times of economic crisis and recovery.

- To comply with human rights obligations, States adopting austerity measures must demonstrate that all other alternatives have been exhausted and that these measures include safeguards to protect human rights, particularly the rights of the most vulnerable.. Furthermore, these measures must be temporary, necessary, proportionate, respectful of minimum core obligations, and non-discriminatory.
- When considering austerity measures, States should conduct human rights assessment of prospective policies and submit them to broad public scrutiny and inclusive consultation. When formulating policies in response to an economic crisis, States should allow for the broadest possible national dialogue, with effective and meaningful participation of National Human Rights Institutions and civil society, including those who are likely to be directly affected.
- Some austerity measures, including cuts to social protection, may constitute retrogressive measures. States must prove that such measures have been introduced after the most careful consideration of all other alternatives. If necessary, developing countries should seek international cooperation and technical assistance to ensure that at least minimum essential levels of the economic, social and cultural rights, including the right to social security, are complied with.
- The right to social security provides the necessary safety net to all but especially to the disadvantaged and marginalised, playing, among others, a critical role