



Social protection is essential to crisis resilience and achievement of the 2030 Agenda and Agenda 2063

The Office of the High Commissioner for Human Rights (OHCHR), the Network of African NHRIs (NANHRI) and the Danish Institute for Human Rights (DIHR) convened an official side event at the Africa Regional Forum on Sustainable Development on February 25th focused on social protection as a critical component of crisis recovery and resilience building.

Social protection from lack of work-related income, unaffordable access to health care and insufficient family support is essential to people's ability to cope with and recover from crisis impacts. It is also a human right and critical to realizing the 2030 Agenda and 2063 Agenda commitments. Yet the vast majority of people in Africa are not appropriately covered by formal social protection provisions.

The United Nations Assistant Secretary-General for Human Rights, Ilze Brands Kehris, highlighted how the COVID-19 pandemic and its socio-economic consequences have exposed the fragilities of Africa's economic and social systems that have traditionally neglected sufficient investments in fundamental public services such as health care and social protection, leaving the most marginalized behind.

Africa's domestic revenue generation and performance continues to lag behind other regions, and furthermore, Africa lost about US\$89 billion (6 percent of GDP) to illicit financial outflows, undermining countries' domestic resource mobilization. African countries spend on average 3.8 % of GDP on social protection (excluding health) compared to a global average of 12.9%.

Senior Advisor at the Danish Institute for Human Rights, Maria Ploug Petersen, showed that the low coverage rate of 17,4% in Africa compared to a global average of 46,9% is even lower for persons without employment (5,3%), persons with disabilities (9,3%), children 12,6% and mothers with newborns (14,9%). When support is available it is typically insufficient to ensure an adequate standard of living.

The Executive Director of the Network of African National Human Rights Institutions (NANHRI), Gilbert Sebihogo, commented that the "The dismaying statistics are unacceptable since the right to social protection is not an aspirational or illusory human right. It is a binding human right which has been explicitly recognized in regional and international human rights instruments."

Hon. Commissioner of the African Commission on Human and People's Rights (ACHPR), Mudford Mwandenga, highlighted the new protocol to the ACHPR on Social Protection and Social Security and the new ACHPR General Comment 7 on State obligations to regulate private providers of social services. These important additions to the regional human rights frameworks provide further guidance to States and emphasize their obligations to fulfil the right to social protection.

The UN Special Rapporteur on Extreme Poverty and Human Rights, Olivier De Schutter, highlighted the need for a human rights-based approach to social protection programming ensuring that support is made available and accessible to those most in need of protection. He

recommended the establishment of a global fund for social protection as a means to close the financing gap faced by low-income countries to provide for social protection floors; to protect the resilience of those countries from future shocks; and to support the increased mobilization of domestic resources for social protection.

Deputy Head of the Expanding Social Protection Programme, Ministry of Gender Labor and Social Development in Uganda, Beatrice Okillan, gave an example of how initial investment by development partners in a social assistance programme eventually sparked a significant investment from the Ugandan government in expanding the programme.

Director of Advocacy & Communication, African Disability Forum, Shitaye Astawes, highlighted challenges related to social protection of persons with disabilities and noted the large gaps in data and the need for better capacity of organizations of persons with disabilities.

Senior Human Rights Officer, Kenya National Commission on Human Rights, Patrick Bonyonte, gave examples of how the Commission entered into a partnership with the national statistical office to strengthen a human rights-based approach to data collection including SDG data collection with a focus on identifying and monitoring the situation for specific marginalized groups, including among others, intersex persons and persons with disabilities. These examples illustrate the important role that National Human Rights Institutions can play in ensuring the evidence base for policy dialogue and change to advance the right to social protection.

Key messages:

Calling on State Parties to:

- Bring social protection policies and legislative frameworks in line with human rights obligations and standards, notably under the International Covenant on Economic, Social and Cultural Rights, the African Charter on Human and Peoples' rights, and the Protocol to the African Charter on Human and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security
- Draw on human rights guidance, including General Comment no. 19 from the UN Committee on Economic, Social and Cultural rights and ILO Recommendation 202, in the conceptualization, design and implementation of social protection frameworks and related SDG commitments and Agenda 2063 aspirations
- Use country-specific recommendations received by UN and regional human rights monitoring bodies in the conceptualization, design, implementation and monitoring of social protection frameworks
- Ratify the ACHPR Protocol on Social Protection and Social Security and relevant ILO conventions
- Enshrine the right to social protection in constitutions and establish social protection systems by law supported by long-term strategies and funding
- Increase investment using a maximum of available resources to extend social protection coverage including through universal non-contributory schemes to all population groups including workers in the rural and informal economy, unpaid care workers, persons deprived of liberty, older persons, persons with disabilities, ethnic minorities, LGBTI people, women, children, migrants, refugees, and displaced persons.
- Ensure that policies and legislative frameworks are comprehensive, coherent, and coordinated
- Effectively combat corruption in social protection programmes and enhance accountability

- Comply with the standards of accessibility, adaptability, acceptability and adequacy
- Ensure inclusion and non-discrimination in social protection programmes to reach disadvantaged and marginalized groups as a matter of priority, ensuring meaningful participation of rights-holders in program design, implementation and monitoring and ensure that eligibility criteria are objective, reasonable, and transparent
- Apply a gender perspective that addresses life-cycle risks, burden of care, differences in access to services, work and productive activities
- Ensure transparency and access to information about social protection programmes through proactive outreach to inform rights holders of their rights and entitlements

Calling on National Statistical Offices to:

- Collect disaggregated data on enjoyment of the right to social protection using a human rights-based approach to data collection in collaboration with national human rights institutions
- Use this data to monitor progress in relation to related SDG targets (SDG targets 1.a, 1.3, 3.8, 5.4, 10.4) and 2063 Agenda (Aspiration 1, Goal 1).
- Collaborate with National Human Rights Institutions and civil society to incorporate expert and citizen generated data

Calling on National Human Rights Institutions to:

- Provide advice and the capacity building for duty bearers and rights holders on how to implement a human rights-based approach to social protection in practice
- Review policies and frameworks and advise on how to bring legal frameworks in line with human rights standards on the right to social protection
- Monitor and report on the right to social protection, with a particular focus on marginalized and disadvantaged groups and pay attention to intersecting forms of marginalization
- Work in close collaboration with civil society/rights-holder organizations on for example awareness raising, data collection, regional and international human rights reporting
- Work in close collaboration with National Statistical Offices, National Social Protection Agencies, research institutes and UN agencies to ensure a human rights-based approach to data collection including SDG data collection
- Lobby governments to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security as well as advocate for the implementation of all the relevant regional and international instruments that have provisions on the rights to social protection.
- Provide redress for established human rights violations in relation to social protection.