

THE RIGHT TO SOCIAL SECURITY IN INTERNATIONAL ACTS

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Abstract

The right to social security, including the right to social insurance, pensions and social protection, medical care, is recognized as an important guarantee of social status and the realization of the fundamental rights and freedoms of every person. It is contained in all international documents enshrining fundamental human rights and freedoms. Moreover, in these documents only the minimum level of social security and social protection is fixed, which the state, which claims that it is democratic, social, must provide its citizens. Unfortunately, the provisions that are not always enshrined in international acts, even if the state has ratified them, are practically implemented, sometimes remaining only a declaration. By its nature, the human right to social security has two aspects: firstly, it is the right of everyone to help and support from society and the state, who, due to objective circumstances, cannot provide for themselves, and secondly, it is the state's obligation to guarantee the provision of sufficient funds for a decent existence for persons objectively deprived of the ability or ability to earn income, as well as helping the family in connection with the birth and upbringing of children. The state should develop a social insurance system so that everyone can ensure their social and material well-being, and in every way promote and encourage charitable activities in the form of donations to extrabudgetary social funds, disabled people's and veteran societies, social service institutions, etc.

Keywords: *social security, human rights, social insurance, pension, social protection, ILO, convention, CIS, adequate standard of living.*

The leading place of the human right to social security in the system of socio-economic rights is confirmed by the fact that it is enshrined in all major international acts, both universal and regional, concerning human rights.

In Art.22 of the main international human rights document, The Universal Declaration of Human Rights, it is established that, «everyone, as a member of society, has the right to social security». The declaration also states that, everyone has the right to a standard of living adequate for the health and well-being of himself and of his family [1, 812]. This article also indicates the need for special care and assistance in case of motherhood and infancy.

Thus, the Universal Declaration of Human Rights enshrines not only the right to social security, but also the right to a decent standard of living, which guarantees a person and his family the opportunity to satisfy their basic needs, and also indicates the list of social risks upon which the right to social security (unemployment, illness, disability, the onset of old age and other cases of loss of livelihood due to circumstances beyond the control of a person). In this case, it should be noted that the above list is open. It presents only the most widespread social risks and any state can, if there are economic opportunities, supplement it with other social risks.

Another universal act entirely devoted to economic, social and cultural human rights is the International Covenant on Economic, Social and Cultural Rights. The preamble of this document recognizes that the ideal of a free human person, free from fear and need, can only be realized if such conditions are created under which everyone can

enjoy their economic social and cultural rights, as well as their civil and political rights [2, 69]. Special protection must also be provided to mothers for a reasonable period before and after childbirth, and paid mothers or leave with sufficient social security benefits should be provided to working mothers during this period. Article 11 recognizes the right to an adequate standard of living for himself and his family [6].

Among the goals and objectives enshrined in the Declaration on the Goals and Tasks of the International Labor Organization (annex to the ILO Constitution), an obligation to promote the adoption of programs by countries of the world is recognized; aimed at improving living standards, expanding the social security system, in order to provide basic income for all those in need of such protection and full medical care, protecting the welfare of children and mothers, providing the necessary food, housing. The right to social security is most fully secured by acts adopted by this organization.

The necessity of observing the right to social security and taking measures to implement it is indicated in ILO Recommendation 1944, No. 67 "On income security". This paper notes that an essential element of social security is to provide income in order to reduce poverty and prevent poverty by restoring to an acceptable level income lost due to disability (including old age) or due to the inability to get paid work, or due to the death of the breadwinner [3, 49].

It is also recommended (if possible) the organization of compulsory social insurance. The provision of certain categories of persons, in particular dependent children, and persons with disabilities, elderly people and widows in need, should be provided by the system in the manner of social assistance: they should be entitled to allowances in reasonable amounts.

Recommendation No. 67 sets out the totality of cases and the circle of persons who should be covered by the social insurance system, the size of benefits and the conditions for paying contributions. At the same time, the Recommendation refers to insured events those whose occurrence prevents the insured from earning livelihoods due to disability or inability to obtain paid work, as well as the death of the insured who left his family who was dependent on him. These are also certain cases of extreme necessity, causing extreme tension related to the restriction of income, the compensation of which is not provided for in any other way.

In Art.7 Recommendations give a specific classification of insured events: illness, motherhood, disability, old age, death of a breadwinner, unemployment, expenses due to emergency situations, work-related injuries. It is envisaged that benefits should not be paid simultaneously in connection with more than one of the following cases: disability, old age and unemployment.

Regarding the amount of benefits in Art.22 says that "benefits must correspond to the previous earnings of the insured person, on the basis of which the latter paid contributions. Persons working for remuneration must be insured against the totality of cases covered by social insurance. Individuals providing themselves with work must be insured in case of: disability; old age and death. This act defines the main directions in the field of providing, welfare, children and the maintenance of needy invalids, elderly people and widows.

ILO Convention No. 117 "On Basic Norms and Purposes of Social Policy" is also directly related to social rights, since it indicates that all policies should, first of all, be aimed at achieving welfare and development of the population, as well as at encouraging its aspirations to social progress. The Convention considers raising the living standards of the population as the main goal in planning economic development.

Other ILO acts that reveal specific ways to realize the right of citizens to social security include:

Convention No. 102, On Minimum Standards of Social Security (1952);

Convention No. 118, On Equal Rights of Citizens of the Country and Foreigners of Stateless Persons in the Field of Social Security (1962);

Convention No. 157, On the Establishment of an International System for the Preservation of Rights in the Field of Social Security (1982);

Recommendation No. 167, On the Establishment of an International System for the Preservation of Rights in the Field of Social Insurance (1983).

One of the most important regional sources enshrining the right to social security, as mentioned above, is the Council of Europe Act of the European Social Charter of 1961 (revised in 1999), which, along with the European Convention for the Protection of Human Rights and Fundamental Freedoms, forms a single mechanism for protecting rights person in Europe.

The Charter guarantees a number of fundamental rights related to housing, healthcare, education, employment, social protection, as well as a non-discriminatory approach, which can be classified on two grounds: conditions, labor and social cohesion (this concept includes the right to social security, the right to social and medical care, the right to enjoy social benefits). The right to social security is included in the list of the most important fundamental human rights and is included in the minimum obligation that the state must take upon itself upon ratification of the Charter. In addition, paragraph 3 of the article 12 of the Charter obliges states to constantly strive to bring the social security system to a higher level [4, 157].

A significant place in the system of European acts on social human rights is occupied by the European Social Security Code of 1964. The Preamble of the Code states that its adoption will contribute to raising social security standards in Council of Europe member states to a higher level than is enshrined in the ILO Convention. No. 102 "On the minimum standards of social security." The Code establishes obligations in the field of medical care (including any painful condition, regardless of its cause, as well as pregnancy, childbirth and their consequences), disability assistance, unemployment, old age (including the establishment of retirement age), in cases of industrial injury, pregnancy and childbirth, disability, loss of breadwinner, assistance to families.

The minimum percentage of citizens that must be protected in each case is fixed. Part XII of the Code contains standards to which periodic cash payments must meet. The amount of benefits for workers is set as a percentage of wages (from 40 to 50%), and for non-workers, the amount of benefits should be sufficient to adequately support the family of the recipient, which should not be less than the corresponding assistance for employees [9].

The right to social security is also enshrined in acts adopted by the Commonwealth of Independent States. In Art. 16 of the CIS Convention on Human Rights and Fundamental Freedoms of 1995 stipulates that everyone has the right to social security, including social insurance by age, in case of illness, disability, loss of a bread-winner, parenting and in other cases established by national legislation.

As mentioned above, in the CIS, there is an Inter-Parliamentary Assembly (an advisory body for the preparation of draft legislative documents of mutual interest),

with a constantly working commission on social policy and human rights. The following documents were prepared and adopted within the framework of the Assembly: the Concept of the formation of the legal framework and mechanisms for the implementation of the social state in the CIS countries, the Main directions of the formation of social policy in the CIS member states, the Law on the social protection of disabled people, etc.

In 1994, the Inter-Parliamentary Assembly approved a document of great importance in the field of social rights of citizens of member countries - the Charter of Social Rights and Guarantees of Citizens of Independent States. In Art. 40 of the Charter states that states guarantee the right to social security for people living in: their territory and that it is important to have full pension in old age in case of illness, disability, loss of breadwinner, in other cases provided for by national law, regardless of the territory of which state the right is acquired for retirement benefits, as well as the payment of state benefits to families with children. The minimum level of pension provision is established within the framework of providing a living wage and taking into account inflationary processes in the state of permanent residence of citizens [7]. The provisions set forth in this article; guarantee the citizens of the once united state the observance of the principle of social justice

The purpose of the concept of pension provision for the countries of the Commonwealth is not to bring the legislation of all the countries included in it to a common denominator, but to solve the issues of harmonization of legislation in the field of pension systems, to coordinate their activities in the social sphere and, above all, in relation to migrant workers.

For CIS member states, the problem of harmonizing legislation taking into account the experience of legislative activity of the European Union is very relevant. Within the CIS, it is advisable to develop and adopt model laws and recommendations in the field of social security and insurance, with the subsequent submission of such documents to the parliaments of the Commonwealth countries for use in national laws.

The international community must treat all human rights globally, on a fair and equal basis, with the same approach and attention. As Kofi Annan noted, speaking at Tehran University on the occasion of the 50th anniversary of the Universal Declaration of Human Rights, "one cannot choose from among human rights, ignoring some and insisting on others. Only equal application of rights can ensure their universal recognition. They may not be applied selectively or relatively or as a limitation of others" [8].

States have a duty to promote and protect all human rights and fundamental freedoms, both civil and political, as well as economic and social. The duty of states to protect socio-economic rights is to implement progressive economic and social reforms, to ensure the full participation of their people in the process and benefits of economic development, to use their resources to provide everyone with equal opportunities to use these rights. One cannot but agree that the results achieved by the international community on the implementation of socio-economic rights are less impressive than in the field of realization of civil and political rights.

The formation of social statehood is a constant and continuous process, requiring a response to new situations in the economy, and in politics and in morality. Factors such as economic instability, population growth and others impede the widespread provision of socio-economic rights. Nevertheless, in numerous studies conducted by the UN, it is concluded that these rights are legally binding and economically feasible for their implementation. States must develop appropriate plans and take specific measures.

First of all, it should be noted that modern international law is developing to a large extent under the influence of the United Nations. Largely due to the ongoing work of the UN, the universal nature of human rights has been clearly defined and recognized in international law. Although most people associate the UN with the problems of peace and security, a huge part of its resources actually goes to fulfillment contained in. The Charter pledges to promote “raising the standard of living, full employment of the population and. conditions of economic and social progress and development”.

In its actions, the UN is guided by the conviction that lasting peace and security are possible only if the economic and social well-being of people is ensured everywhere. The debate in recent years on economic and social problems increasingly reflects the commonality of interests between rich and poor countries, in solving many problems that go beyond national borders. Permanent poverty and unemployment in the opening region can quickly affect others, not least through migration, social explosions and conflicts. In recent decades, the world has witnessed tremendous progress in economic development, but acquiring wealth and achieving prosperity is so uneven that distortions in economic development exacerbate already serious social problems and political instability in virtually all regions of the world.

International human rights standards have been developed. A common objective is the implementation of these standards. And they must be implemented in a way that would have the basis of human rights themselves.

Poverty deprives people of the enjoyment of human rights. Extreme poverty is a humiliation of human dignity, and often a violation of human rights. Poverty is a worldwide phenomenon affecting all countries, including developed countries. Human rights are an accepted set of norms and principles that define and evaluate strategies for economic growth in terms of ensuring an even and sustainable reduction in poverty. In their context, policies should be put in place to increase the effectiveness of poverty reduction strategies and at the same time establish the responsibility of different actors for the content and implementation of such strategies.

The Millennium Declaration, approved by UN General Assembly resolution 55/2, does not contain a section specifically devoted to social security. However, section III of the Declaration on “Development and the Eradication of Poverty” states, “we will make every effort to save our fellow tribesmen, men, women and children from degrading poverty in the conditions of which more than a billion of them are currently forced to live” [5, 19].

Undoubtedly, ensuring the dignity of the least protected sections of the population is the fight against poverty. And here it is argued that success in achieving these goals depends, in particular, on each specific country that recognizes itself as part of the world community. Ensuring the relevant rights requires both international and national action. At a time when poverty exists in all parts of the world, including developed countries, a gap continues to exist between civil and political rights, as well as economic, social and cultural rights. The holistic vision of the Convention on the Rights of the Child, which has been ratified by the largest number of States and is the only treaty combining civil and political as well as economic and social rights, should be further disseminated.

Independent UN experts on human rights and extreme poverty argue that development results should benefit all people, and especially the most vulnerable and socially disadvantaged categories. Actors who play an important role in ensuring the protection of human rights are considered as bearers of obligations whose obligations are to seek the realization of these rights. The state is the main bearer of these responsibilities, although the international community also has a responsibility to protect human rights.

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