

30 ARTICLES ON THE 30 ARTICLES

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AT 70: STILL WORKING TO ENSURE FREEDOM, EQUALITY AND DIGNITY FOR ALL

Article 22: Right to Social Security

After spelling out a long list of civil and political rights, the Universal Declaration of Human Rights (UDHR) now turns to economic, social and cultural rights with Article 22 and the six following Articles. These rights, mostly developed in the 20th century, include the right to work, an adequate standard of living, education, maternity and childhood, social security, and the right to take part in cultural life.

Inclusion of these economic and social rights give effect to one of U.S. President Franklin Roosevelt's "Four freedoms" – freedom from want, which is mentioned explicitly in the preamble of the Declaration.

Article 22 spells out the qualities of the modern welfare state that are almost universally accepted today. According to the International Labour Organization (ILO), in 1900, only 17 countries had social protection systems to support individuals and families through pensions for the elderly, disability payments for injured workers, benefits for mothers, health insurance and many other programs. Social assistance can include cash transfers, and is often referred to as a "social safety net" that helps people, especially the poor and vulnerable, cope with life's shocks, find jobs and educate their children.

"For the UN, health care, education, housing, and the fair administration of justice are not commodities for sale to the few, but rather rights to which all are entitled without discrimination."

– **Former UN Human Rights Chief,
Navi Pillay, in
*The Tunis Imperative***

According to ILO, the number of countries with social protection systems had increased to 104 by 1946 and 187 by 2015. Around the world, about 45% of people had access to at least one social protection benefit in 2017, while 29% had access to comprehensive social security systems.

The division between economic, social and cultural rights on the one hand, and the civil and political rights on the other, has always been artificial. Without a basic education, can you effectively make use of the right to free speech? The right to work may well be undermined if you are not able to assemble in groups and have the space to voice your opinion about working conditions. And any form of discrimination can have a highly corrosive impact on a whole range of social, economic and cultural rights of the group of people discriminated against.

Interestingly, the head of the UDHR drafting committee, Eleanor Roosevelt, a long-time rights activist, did not want to impose obligations on States. The Declaration, she said, “should enunciate the rights of man and not the obligations of States.”

This view was opposed by the Soviet bloc, and Canadian delegate Ralph Maybank said that if the rights in the Declaration were achieved, “the social and international order would be good, whether it came within the framework of capitalism, communism, feudalism, or any other system.”

The issue of states’ obligations to uphold the rights set out in the Universal Declaration was in effect gradually sorted out later via the elaboration of the nine core international human rights treaties, which created binding law: in particular, the two overarching Covenants covering all rights -- the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights – adopted 18 years after the UDHR in December 1966.

Article 22 asserts that economic, social and cultural rights are indispensable for human dignity and development of the human personality. This phrase appears again in Article 29, underlining that the UDHR drafters wanted not just to guarantee a basic minimum, but to help us all become better people.

That promise has not been fully realized. UN Human Rights Chief Michelle Bachelet has pointed out that “71 percent of the world’s population lacks access to full social protection. In other words, in two-thirds of the globe, societies have not been able to guarantee their people the basic means to live without fear and without feeling discriminated against or ostracized.” She added that almost two-thirds of the world’s children, 1.3 billion children, are without coverage.

In 2009, the United Nations agreed to a “Social Protection Floor Initiative” that encouraged countries to build comprehensive social security systems. Since then improvements have been seen not only in developing countries, but also many middle- and low-income countries.

Mongolia has introduced a family benefits scheme. Argentina is expanding a successful program to support pregnant women and new mothers who do not have health insurance. Thailand, Colombia, Rwanda and China have all made progress in ensuring universal access to health care.

A large number of other countries are making headway on programs to guarantee an income to senior citizens: Azerbaijan, Bolivia, Botswana, Brazil, Cape Verde, China, Cambodia, Kosovo, Lesotho, Mongolia, Georgia, Namibia, South Africa, Thailand, Nepal, Trinidad and Tobago, and Ukraine.

Social protection floors, laid on a firm foundation of human right standards and principles, can help create a better world for all of us, says Bachelet. “We all want to see a world where all children and all adults have their basic needs met; where unemployment, injury, ill-health, old age or disability do not signal misery and hardship; where people are not left unprotected in times of crisis and disaster,” she says.

This is one in a series of articles published by the Office of the High Commissioner for Human Rights (OHCHR) to mark the 70th anniversary of adoption of the Universal Declaration of Human Rights on 10 December 1948. All rights enshrined in the UDHR are connected to each other, and all are equally important.

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