

The Rights-based People's Social Protection Agenda: Interweaving Social, Gender and Environmental Justice*

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Abstract

In this paper the author proposes for a comprehensive rights-based approach to social protection that is transformative, gender-responsive, participatory, and sustainable. The paper is anchored on the basic premise that social protection is a human right, and thus the author argues for people's right not only for jobs, but also social security, health care, education, skills, basic services, social assistance, voice and justice for all based on a framework that integrates the notions of justice in the different domains. This concept of social protection is intended to serve as guide to policymakers, development advocates and practitioners at the national and community levels.

The People's Social Protection Agenda (PSPA) is the product of a participatory and consultative process spanning years of sustained advocacy. It is a consolidation of the different views of various stakeholders—

*Paper presented at the Conference on Social Protection as Social Justice, Centre for Social Protection, Institute of Development Studies, University of Sussex, April 13-15, 2011.

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informal workers' associations led by Homenet Southeast Asia, Homenet Philippines and MAGCAISA, trade unions, women's groups and agencies, Church-based and business groups, civil society and community-based organizations, government and academic institutions, etc.—on how social security and protection can be developed to cover all Filipinos facing various levels of risks and vulnerabilities in life.

Taking a rights-based, transformative, gender-responsive, participatory and sustainable approach to social protection, the PSPA calls for jobs, social security, health care, education and skills, basic services, social assistance, voice and justice for all. It connects social protection to interweaving notions of social, gender and environmental justice in the context of worsening financial and employment crises, and in the wake of terrible disasters the country just suffered due to climate change. It has attracted much interest from policy makers and implementers, including those from both houses of Congress, the Department of Health, the Department of Social Welfare and Development and the Social Protection subcommittee under the National Economic and Development Authority (NEDA). How academic and participatory research activities influence social protection policy advocacy and formulation may in themselves be worthy of documentation and study by community development professionals wishing to make change at both macro and micro levels (Pineda Ofreneo, 2010).

Social Security and Protection: A Fundamental Human Right

Social security and protection is a fundamental human right as proclaimed in the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of Discrimination Against Women (CEDAW) and various ILO Conventions.

The following articles in the UDHR specifically refer to social security and protection:

Art 22: Everyone, as a member of society, has the right to social security and is entitled to realization through national effort and international cooperation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Art 23 (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.

Art 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 9 of the IESCR clearly proclaims that “The state’s parties to the present covenant recognize the right of everyone to social security, including social insurance.”

The Convention on the Elimination of Discrimination Against Women (CEDAW) upholds the right to social security “particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave,” and in the same article (11), affirms “the right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.”

ILO Convention 102 (issued in 1952) provides minimum standards for all nine branches of social security: medical care; sickness benefit; unemployment benefit; old-age benefit; employment injury benefit; family benefit; maternity benefit; invalidity benefit; and survivors’ benefit. Up to now, only 46 countries have ratified the Convention, and they are found mainly in the industrialized world. Of these 46 countries, only one (Japan) is found in Asia. The developing countries included in the list are mostly from Latin America—Brazil, Mexico, Costa Rica, Ecuador, Peru, and Venezuela—although there are a sprinkling from Africa (Libya, Niger, Senegal). Thus, the contention that ILC 102 cannot be afforded by developing countries may not be wholly true. Nevertheless, as the ILO World Social Security Report 2010-2011 reveals, “Only one-third of countries globally (inhabited by 28 per cent of the global population) have

comprehensive social protection systems covering all branches of social security as defined in ILO convention No. 102" (ILO, 2010, p.3).

The Need for a Social Protection Floor: A Matter of Social Justice

The impact of globalization has heightened the need for stable and sustainable social security systems to cushion the adverse effects that have led to more poverty and inequality, as well as to create conditions for improved productivity to spur economic growth.

According to the ILO, no country is so poor that it cannot afford to provide social protection to its entire population. Poor developing countries need to allocate only 6 per cent of their Gross Domestic Product (GDP) to meet the requirements of universal social security coverage (Hagemeyer & Behrendt, ILO, 2008). In contrast, the Philippines' allocations for social security, amount to less than half of this: only about two per cent (CCHR, n.d., p.44). Just how low this percentage is can be gauged by the fact that in Europe, social security spending is nearly 25 per cent of GDP; in North America, 16.6 per cent; and in Africa, 4.3 per cent. (ILO website, Facts on Social Security).

The ILO call is in keeping with the Geneva Consensus forged by the International Alliance¹ for the extension of social protection and 'fair globalization' on September 7, 2005, which aims for universal coverage of the world population based on the following shared principles and values: 1) social security is a fundamental and universal human right; 2) it is a global public good; 3) it is a core instrument of redistribution for reducing inequality; and 4) it plays a key role in stimulating economic and social development by fostering growth and social cohesion.

It is in this context that the PSPA seeks not only a doubling of social protection spending to meet the target universal social security coverage. It also advocates for firmer and tighter policy coherence; that is, social security should be promoted symbiotically with a people-oriented program of asset reform and a fair and balanced socio-economic development strategy.

ILO, together with the rest of the UN family through its Chief Executives Board (CEB), is now part of a campaign for a Global Social Protection Floor, which corresponds to a "set of basic social rights, services and facilities that the global citizen should enjoy. It can be seen as a core obligation of ensuring the realization of minimum essential levels of rights embodied in human right treaties." It has two main elements:

1. Ensuring the availability, continuity and geographical and financial access to essential services, such as water and sanitation, food and adequate nutrition, health, education, housing and other social services such as life- and asset-saving information.
2. Realizing access by ensuring a basic set of essential social transfers, in cash and in kind, to provide a minimum income and livelihood security for poor and vulnerable populations and to facilitate access to essential services. It includes social transfers (but also information, entitlements and policies) to children, people in active age groups with insufficient income, and older persons (ILO Global Extension of Social Security website).

The concept of a “social floor” is considered to be an urgent response to the “dramatic effects” of the crisis on employment, health and education, through the provision of transfer incomes, social assistance and social security benefits especially to the unemployed and most vulnerable groups. These measures are meant to arrest the spread of poverty by preventing the vulnerable from falling below the poverty line. They are also meant to maintain adequate demand for goods and services and thereby blunt the threat of further recession. Investing in these measures is considered to be an investment in both social justice and economic development. The investment can be very modest, and can be as low as 0.5 per cent of the GDP for the large and highly successful cash transfer programs in Brazil and Mexico. Another estimate puts the expected cost of a cash benefit for children and a small pension, “which could reduce the poverty head count by 40 per cent,” at not more than four per cent of GDP. (ILO & WHO, 2009, p.5).

The concept of a social protection floor is envisioned to be part and parcel of holistic development strategies, which maximize resources in addressing poverty and vulnerability while ensuring “guaranteed access’ to essential services and social transfers.” It works on both the demand and supply side in this manner:

		Means to ensure the supply of an essential level of:				
Rights and transfers to ensure effective demand from:		Health services	Water and sanitation - Housing	Education	Food	Other social services
	Children					
	Active age groups with insufficient income from work					
	Older persons					

Source: ILO Global Extension of Social Security website.

Does increased investment in social protection have a negative impact on economic growth? The answer is no. “On the contrary, well-designed unemployment schemes, social assistance and public works programmes effectively prevent long-term unemployment and help shorten economic recessions.” (World Social Security Report 2010-2011, p. 3).

The social justice aspect of the social protection floor is based on the premise that “some sections of human populations are always likely to be vulnerable and that the basic needs of these groups should be guaranteed.” As further explained:

Whether we are looking at development successes or the effects of a global crisis there are always winners and losers. Social justice is about the relationship between them and in particular it is the concern that the gap between the two should not be so wide to be unfair and that the processes that have produced these outcomes should not be perceived as biased or immoral. Social protection measures (in their many forms) have been one way in which development policy makers have been thinking about assisting those that lose out but different social protection approaches have different attitudes towards social justice embedded within them. (CSP Newsletter 13, July 2010)

Philippine Economic and Environmental Crises: The Context of the PSPA

Many Filipinos today do not enjoy any form of social security or protection outside of the traditional but shrinking extended family support. And for those who are enrolled in some social insurance schemes, mostly those in formal employment, the benefits are often not enough and do not cover difficult economic situations such as job displacement, and temporarily or permanently debilitating ailment. Despite the country's commitment to the UN's Millennium Development Goals (MDG) of halving poverty by 2015, official statistics from the National Statistical Coordination Board (NSCB) indicate rising poverty incidence: 28 per cent in 2000, 30 per cent in 2003 and 33 per cent in 2006. (NSCB website).

This trend is likely to continue given the slow Philippine recovery from the global financial crisis, the disastrous impact of weather disturbances such as Ondoy and Pepeng that are visiting the archipelago with increasing frequency due to climate change, and the generally poor agro-industrial performance of the economy under globalization. In fact, the latest survey (October 2009) of the Social Weather Station shows that there are now 3.5 million households (or 19 per cent of the total household population) experiencing hunger.

There is a lingering employment crisis—around three million unemployed, four million unpaid family workers, close to eight million underemployed, and over 12 million working at less than 40 hours a week. By the reckoning of the Department of Labor and Employment, 45 per cent of the total employed belong to the “informal economy”. By the assessment of most unions, the percentages are on the high side because many of the jobs in the so-called “formal sector” are actually short-term, casual, insecure, unprotected, “informalized” ones. Per computation by the Employers Confederation of the Philippines (Philippine Employer:2008), the number of informal workers in the Philippines comprised 25 million or 77 per cent of the total employed population. In contrast, the ranks of formal workers are progressively decreasing. Many informal workers are not covered by social security and are inconsistently covered by health insurance, if at all.

Our economic and employment crises are aggravated by environmental degradation. Our forest cover is almost gone, down to six per cent compared to 17 per cent in 1998 and 70 per cent in 1900 (Environmental Science for Social Change, 2009). Forest loss is accompanied by loss of biodiversity. The extent of coastal degradation is measured by

the fact that only one-tenth of our mangroves remains. Sixteen major rivers (five in Metro Manila) are biologically dead (Haribon, 2006). Air and water pollution are at alarming levels; rivers, creeks, and drainage systems are clogged with waste, creating and aggravating frequent flooding. Centuries of chemical farming have poisoned our soil. The most affected are the poor who are deprived of their livelihood, habitat and lives. Without adequate protection, the desperately poor also turn on the environment by engaging in slash and burn agriculture, dynamite fishing and other hazardous occupations.

The current debt-dependent, extractive and resource-intensive development model, which has been in operation since the 1970s, has deepened environmental degradation. Rapid increase in population is accompanied by rural-urban migration as much of the devastated and unproductive countryside can no longer support more people. This has further resulted in urban overcrowding, overstretching of housing and other services, and more pollution.

Although the Philippines contributes minimally to global warming, with only 0.3 share of carbon dioxide emissions, it is the fourth most vulnerable country, according to the global climate risk index. Our coastal towns and cities are most likely to be inundated; we will be increasingly visited by typhoons and droughts, with alternate episodes of El Niño and La Niña. If things do not get any better, it is predicted that in 50 years, the country will be unable to sustain life.

Transformative, Gender-Responsive, Participatory, and Sustainable Social Protection

Given the disturbing Philippine context, the PSPA accepts the premises of “transformative social protection”, which maintain that “social protection can address risks and promote economic growth but poverty and vulnerability are structural and embedded in the socio-political context; social protection must go beyond welfare and support citizens’ claim to social protection from the state as a basic right” (Devereux and Sabates Wheeler, 2007:9). “Institutional transformative social protection” is a “means to a life with dignity” as it “addresses power imbalances in the society, creating a policy environment conducive to pro-poor growth, accountable and responsive governance systems, and a social equity-grounded development approach.” Thus, transformative social protection goes beyond targeted resource transfers; it extends to such arenas as

equity, and empowerment, as well as economic, social and cultural rights. It requires legislation, financial commitment and accountability (Asia-Europe People's Forum, 2009).

It also integrates a gender perspective developed by social development practitioners both here and abroad (notably Lund & Srinavas (2000), Kabeer (2008), and Luttrell & Moser (2004), which has led to an alternative definition of social protection: "All interventions from public, private and voluntary organizations and informal networks to support communities, households and individuals, both women and men, in their efforts to prevent manage and overcome risks and vulnerabilities throughout their life cycle, and to realize their rights as citizens participating fully and equally in all decision-making which affects their access to and control over resources necessary to maintain and sustain a decent and secure life."²

Following the principle of inclusivity and equity, the PSPA also adheres to an integrated and rights-based approach to social protection, which leads towards gender equality and women's empowerment, taking into consideration the following factors:

- An income that is sufficient to cover basic needs;
- Ability to secure sufficient food for self and family;
- Access to sufficient health services (particularly occupational and reproductive health), along with income and food, so that health-status—particularly for women—can be secured;
- Freedom from violence in the home, the workplace, and the community;
- A secure place of work—a place in which work can be done safely and productively;
- A place in which to live;
- A level of education that will enable economic participation in society;
- Opportunities to reproduce and change skills in accordance with changes in the market;
- Opportunities to work and pursue a career;
- And for the self-employed, access to capital for enterprise development and sustainability, as well as a reasonably reliable market or demand for the commodity or service (or the means to change what is produced and sold).

These should be complemented by awareness-raising and participatory mechanisms for influencing policies and programs towards securing rights and entitlements. Thus, the PSPA, aside from calling for jobs, social security, health care and basic services for all, also advocates voice for all.

Part of the broad meaning of social protection is the right to participate in the affairs of the community to which one belongs in order to ensure access to resources as well as to various forms of justice. Many workers, especially women, youth and those in the informal economy, have been invisible and are hardly consulted or even informed about housing, land development and other programs that affect them directly. The weaknesses of many existing social protection programs are partly due to lack of dialogue, consultation and participation by the people. The working people, considered to be the targets or objects of many development programs undertaken in their name, often do not have a hand in the design and implementation of these programs.

Social protection must also address the environmental crisis which is truly worrisome, since it can be the source of “catastrophic risks” which must in turn be addressed by adequate and participatory disaster risk reduction and management and other social protection initiatives at community level. Given the extent of environmental damage and the possibility of even greater damage due to climate change, there is a pressing need to build a decent and sustainable economy based on green industry, agriculture and services, while at the same time creating millions of jobs in renewing forests, protecting coastal resources, reviving poisoned soil, cleaning up air and water sources, segregating and recycling mountains of waste, and last but not least, rebuilding damaged and vulnerable communities. It is in this sense that a green economy is also a solidarity economy, relying on the capacity of people to organize and create their own means to survive, prosper and assist each other through cooperatives, fair trade groups and other social enterprises. Social protection initiatives, therefore, should be linked to the broader goal of sustainable human development.

Social, Gender, and Environmental Justice: Some Crucial Links

The notion of realizing rights and entitlements, in social protection literature, is very much related to various conceptions of justice—economic and social justice; gender and reproductive justice; and environmental,

intergenerational and climate justice. Each of these concepts is important because in human rights discourse, the claim holders (or the citizenry) can always assert various compendiums of rights to the duty bearers (mainly the state) within the ethical ambit of seeking justice, long-denied, in any of its current forms.

Social justice has always been the battle cry of trade union, peasant and other class-based movements struggling for more equitable and egalitarian societies. Women have always participated in these usually male-led movements, but their contributions have often been rendered invisible and insignificant in most mainstream histories.

Economic justice, which is often subsumed under the broader rubric of social justice, involves the exercise of economic rights related to the sphere of work, many of which are enshrined in the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and various ILO conventions, particularly those having to do with core labor standards and decent work. Of particular relevance in these times of financial and economic crisis is Article 11 of the ICESCR, which recognizes the right of everyone and everyone's family to "an adequate standard of living," including "adequate food, clothing, and housing, and to the continuous improvement of living conditions" (Balakrishnan, 2006: p. 26)

Economic justice also has both participative and (re)distributive aspects. The first refers to the capability to engage in remunerative work and have access to and control of resources to earn an income enough to maintain what has been referred to above as "an adequate standard of living." The second refers to just compensation, fair prices (as propounded by fair trade advocates), and a reasonable share of the economic benefits derived from the application of one's labor and talents. It also includes asset reform, especially when referring to use and ownership of land and water resources. A system of progressive taxation can also be construed as part of the redistributive aspect of economic justice, since it is based on the principle that those who earn more pay more, and those who earn less pay less in exchange for services that governments have the obligation to extend to its citizens.

Key policy recommendations of the PSPA are driven by a strong sense of economic and social justice, specifically those categorized under jobs, social security, health care, education and skills, basic services and social assistance for all. Its major concern is the interest of majority of the working people who are often invisible, vulnerable, and marginalized—the workers in the informal economy.

The concepts of gender justice and reproductive justice have also been deployed to underpin the PSPA.

Gender justice can be interpreted as access to entitlements and enabling mechanisms, as absence of discrimination, or as a compendium of positive rights for women's empowerment. Goetz defines it as "the ending of—and if necessary the provision of redress for—inequalities between women and men that result in women's subordination to men." As she explains:

These inequalities may be in the distribution of resources and opportunities that enable individuals to build human, social, economic, and political capital. Or, they may be in the conceptions of human dignity, personal autonomy and rights that deny women physical integrity and the capacity to make choices about how to live their lives. As an outcome, gender justice implies access to and control over resources, combined with agency. In this sense it does not differ from many definitions of 'women's empowerment'. But gender justice as a process brings an additional essential element: accountability. Gender justice requires that women are able to ensure that power-holders—whether in the household, the community, the market, or the state—can be held to account so that actions that limit, on the grounds of gender, women's access to resources or capacity to make choices, are prevented or punished. The term 'women's empowerment' is often used interchangeably with 'gender justice', but gender justice adds an element of redress and restitution that is not always present in discussions of women's empowerment. (Goetz, 2007).

The Asian Communities for Reproductive Justice say that what they are aiming for is "the complete physical, mental, spiritual, political, economic and social well-being of women and girls, and will be achieved when women and girls have the economic, social and political power and resources to make healthy decisions about our bodies, sexuality and reproduction for ourselves, our families and our communities in all areas of our lives" (Sister Song, 2010). As further elaborated:

For this to become reality, we need to make change on the individual, family, community and institutional levels to end

all forms of oppression, including forces that deprive us of self-determination and control over our bodies, and limit our reproductive choices. This oppression has been implemented through the controlling and exploiting of women and girls through our bodies, sexuality and reproduction (both biological and social) by families, communities and institutions. The regulation of reproduction and exploitation of women's bodies and labor is both a tool and a result of systems of oppression based on race, class, gender, sexuality, ability, and immigration status (Asian Communities for Reproductive Justice, 2005).

Reproductive justice goes beyond the conventional frameworks of reproductive rights and health, since its basic assumption is the “intersectionality” of oppression, whether this is based on gender, class, race, nationality, sexual orientation, age or any other differentiating factor. It has an integrated and transformative approach, taking into consideration the totality of women’s lived experiences at home, at work, in school, in bed, at the dining table, or any other place where they expend their creative energies and seek to alter power relations in their favor. It factors in resource status as a crucial ingredient in accessing comprehensive health care so essential for women to live full, productive and satisfying lives. It also puts a premium on collective initiatives and movement-building, conscious of the fact that patriarchy and other social hierarchies cannot be challenged without the force of a critical mass.

Thus, included in the reproductive justice agenda are universal health care, access to birth control, maternity and sickness benefits, pre- and post-natal care, child care and nutrition, shared parenting and housework, sex education for young people, etc. In the Philippine setting, the conjoined advocacy for both economic and reproductive justice is captured in the campaign of organized women for a Magna Carta for Workers in Informal Employment (MACWIE), for the Reproductive Health bill, and more generally, for the PSPA.

Similar to the discourse on human rights which are invested with inalienability and indivisibility, economic and reproductive justice are two sides of the same coin for women in poverty. Without economic justice, women cannot access services necessary for the attainment of optimum health. Without reproductive justice, women in poverty will neither be free nor be able to work, since they will be immobilized and saddled by

multiple burdens and too many children, and will be too tired, too weak, or too vulnerable to sickness to engage in productive employment.

Social and gender justice, however, will come to naught if the web of life continues to be further frayed. Notions of environmental and inter-generational justice are very much linked to the concept of sustainable development, which posits that the well-being of future generations should be assured by present generations. This can be attained through the wise use of natural resources and by refraining from abuse and despoliation of nature which could further endanger the ecosystems on which all life-forms depend for continued existence. More specifically, future generations should not suffer the consequences of environmental degradation now accelerating in the context of climate change and global warming. Social protection when connected to this notion involves preparing and empowering whole communities of women and men, young and old, in adapting to and, if possible, in preventing environmental disasters, and mitigating their impact. Investing in green jobs and developing a green economy based on solidarity are also part of the solution.

Climate justice, as a related concept, is premised on the need for global equity, by obligating the industrialized countries most responsible for greenhouse gas emissions to compensate and assist the less developed nations now suffering from typhoons, floods, tsunamis, landslides and other after-effects of climate change resulting from these emissions. Such compensation and assistance should not be in the form of loans that lead to greater indebtedness (Tanchuling, 2010); in fact, countries like the Philippines, which are saddled with a huge debt burden, should be given the space to write off some of this burden (particularly those that are classified as odious or graft-ridden debts) or at least postpone payment until sufficient growth is achieved to make this feasible without sacrificing economic development and social services. The resources thus freed from automatic debt appropriation could be used for social protection and development. As the PSPA elaborates, "The money, during these times of crises, should go to social infrastructure, investment in public health, education, child care and other social services, to generate decent jobs for women[and men], and relieve their burdens" (p. 24).

Implications on CD Theory and Practice

A people's social protection agenda anchored on human rights and interweaving notions of justice is necessarily a departure from the

dominant development paradigm which privileges economic growth at all costs without regard for its impact on the poor, the vulnerable and the marginalized. Process-wise, it is based on the principles of participatory development, synthesizing the inputs and opinions of multiple stakeholders but providing utmost consideration to those provided by people's organizations. In terms of vision, it is more in harmony with the tenets of transformative and sustainable human development, which aims to transcend existing social hierarchies based on class, gender, race, ethnicity, etc. through participatory and accountable governance structures as well as cultural institutions promoting alternative lifestyles that simultaneously protect the environment.

At the level of practice, the PSPA demonstrates in concrete how policies can be crafted, negotiated, and promoted by people's organizations that work closely with academe, trade unions and officials in key government agencies. Advocacy can also be pushed at all levels—local, national, regional and global—with positive results.

But it is at the local level where the PSPA can be most useful to CD professionals working on the ground, since it provides a blueprint by which communities can survive and prosper through a green economy based on solidarity, and defend themselves against catastrophic risks through participatory disaster risk reduction and management structures. Moreover, the PSPA takes a comprehensive approach to social development, weaving in policy recommendations for crucial areas of community life—employment, social security, health care, education, basic services and social assistance. Last but not least, the PSPA puts a premium on visibility and voice for the marginalized, which lie at the very core and vision of community organizing.

Endnotes

¹ This Alliance is composed of ILO, ISSA (International Social Security Association), AIM (Association Internationale de la Mutualite), ICA (International Cooperative Alliance), ICMIF (International Cooperative and Mutual Insurance Federation), IHCO (International Health Cooperative Organization) and WIEGO (Women in Informal Employment Globalizing and Organizing.).

² Contrast this with the official Philippine definition of social protection as consisting of “policies and programs that seek to reduce poverty and vulnerability to risks and enhance the social status and rights of the marginalized by promoting and protecting livelihood and employment, protecting against hazards and sudden loss of income, and improving people's capacity to manage risks.”

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