

**UNITED NATIONS DECLARATION
ON THE RIGHTS OF PEASANTS
AND OTHER PEOPLE WORKING IN RURAL AREAS**

Right to social security

(art. 22)

Training sheet No. 9



*"There is not one developed world and one underdeveloped world
just one maldeveloped world"*

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THE RIGHT TO SOCIAL SECURITY

Social security (also called social protection) is a system of social benefits designed to help people cope with life's risks and uncertainties. It was won after hard-fought battles by the labour movement in the industrial period. It is generally linked to employment (ideally full-time) and is a way of responding to emergencies of various kinds (notably workplace accidents and illness), but also of institutionalizing social solidarity so that individuals need no longer depend on charity.

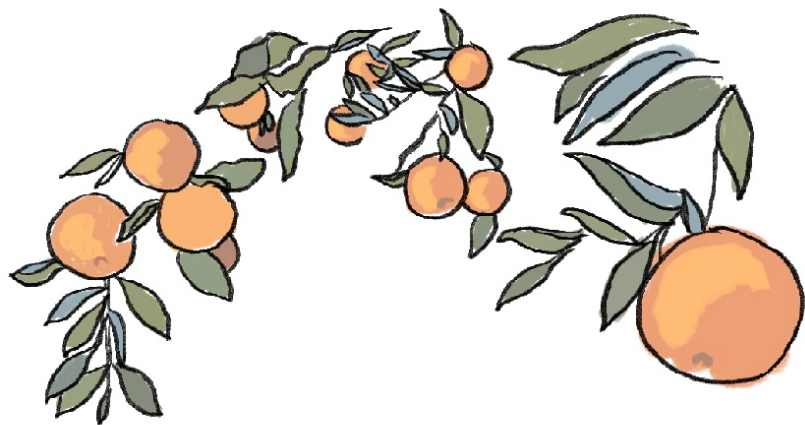
Social security has gradually spread to other areas and now covers a wider range of risks: unemployment, maternity, old age, disability, loss of income, family and child support and survivors' and orphans' benefits.

The right to social security is now recognized in many international instruments such as the Universal Declaration of Human Rights (art. 22), the International Covenant on Economic, Social and Cultural Rights (art. 9) and International Labour Organization (ILO) conventions such as Nos. 102 and 168. Yet for the vast majority of humanity it is still not a reality.

The fact that so few States have a social security system is mainly due to their political choices, and in particular to the widespread neoliberal dogma that holds that individuals have sole responsibility for their situation. Indeed, this right is gradually being dismantled in its very birthplace, Europe, thanks to austerity policies and the "uberization" of the economy (zero-hours contracts, bogus "self-employment", etc.).

In addition, the basic premise underlying such schemes, full employment and full-time work, is no longer valid, and there is a growing demand for universal social security, which is seen as a weapon in the fight against poverty, inequality and social exclusion.

Note that social security is not in itself another economic and social right; if it forms part of that nexus, it is because it acts as a safety net, helping to safeguard those rights and guarantee every individual's dignity under all circumstances.



IMPORTANCE OF SOCIAL SECURITY FOR PEASANTS

Although the Convention on the Elimination of all Forms of Discrimination against Women (art. 14.2.c) makes explicit provision for social security programmes for rural women, most peasant women do not have any social security as they are deemed to be self-employed, working their own or their family's land.

In general, peasants face special risks. Firstly, their incomes depend on numerous external factors beyond their control (weather conditions, price fluctuations). Secondly, being a peasant has an undeniable physical cost: peasants are more likely to develop work-related illnesses, whether from simple wear and tear on the body or the use of toxic chemicals.

As to rural workers, many of them are not registered as being in employment. In addition most of them can get only seasonal work that involves moving from place to place, which makes it hard for them to visit administrative offices and access social services.

Both peasants and rural workers live out in the countryside, i.e. in areas that are often geographically distant not only from health and social services, but also from the administrations that can help them claim their social security entitlements.



Nowadays, peasants are more than ever at the mercy of the weather and cannot always count on a harvest. It was therefore imperative that the right to social security should be included in the Declaration.





SOCIAL SECURITY FOR LIFE (ARTS. 22.1 AND 22.3)

Article 22, paragraph 1, affirms “the right to social security, including social insurance” for peasants and rural workers.

To understand this concept, we refer to its interpretation by the United Nations Committee on Economic, Social and Cultural Rights.^[1] In the Committee’s view, to realize this right a social security system must meet the following necessary conditions:

- **Availability:** A social security system that makes it possible to cope with risks and contingencies must be in place and accessible to all at all times.
- **Coverage:** The social security system must cover the following nine areas: health care, sickness, old age, unemployment, employment injury, family and child support, maternity, disability and survivors and orphans.
- **Adequacy:** The type of benefit, and its amount and duration, should allow the other fundamental rights to be realized.
- **Accessibility:** Everyone should have access to social security.^[2]

Minimum social protection

Under article 22, paragraph 3, States have a duty to “establish or maintain their social protection floors comprising basic social security guarantees”. It also states that peasants need social security in order to have access “to essential health care and to basic income security” throughout their lives.

¹ Body responsible for monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights.

² UN Committee on Economic, Social and Cultural Rights, general comment No. 19, adopted on 23 November 2007 (cf. E/C.12/GC/19, 4 February 2008).

A RIGHT OF MIGRANT RURAL WORKERS, TOO (ART. 22.2)

In the agricultural sector, many workers do not come from the country where they work. As migrant workers, they are particularly vulnerable; indeed, it is most often because of their vulnerability that they are hired – their labour can be exploited better. They are vulnerable in part because they have no access to social security, a flagrant violation of international standards.

In order to address this systemic violation, as well as the specific situation of migrants in rural areas, paragraph 2 expressly provides that States should set up social security systems to which migrant rural workers have access. Note that States must protect migrant rural workers whether their status is regular or irregular (art. 1.4).

IMPLEMENTING THE RIGHT TO SOCIAL SECURITY

The right to social security is a right that demands political and economic investment by States. Ensuring social protection for all persons in their territory requires the establishment of often complex administrative systems. This needs political will, legal expertise, competent administration and financial resources.

Even States that do not have all these resources still have an obligation to do all they can to put a social security system in place. Obviously this right cannot materialize overnight, but the first steps towards realization must be taken immediately. Even the very worst of conditions are not an excuse for doing nothing.

The words “according to national circumstances” in paragraphs 2 and 3 do not mean that States may do nothing, but that they must do everything possible taking account of their means and capacities. Their general obligation with regard to all human rights – to respect, protect and, above all, realize them – applies whatever the circumstances.

The difference between States is thus between those who need to establish a social security system and those who, having created such a system, need to maintain it and ensure that it complies with the right to social security.



ESTABLISHING A SOCIAL SECURITY SYSTEM (ART. 22.4)

Article 22, paragraph 4, outlines the social security system to be put in place.

Firstly, it should be established by law. That requires the involvement of the legislature, not just the government. Passing a law allows a debate that in itself guarantees a social security system that is as democratic as it can be.

For a social security system to truly play its role, it must embody the opinions of those concerned. To that end it is necessary to inform and involve the beneficiaries.

Remedies

The core of this paragraph is not so much the establishment of the system itself as the need for ways of monitoring and improving it. It obliges States to establish grievance and appeal procedures. The idea is that these procedures would be used where some form of social protection has been denied, so as to ensure that denial does not violate the right to social security and leave someone in need.



Art. 22.4

“Basic social security guarantees should be established by law. Impartial, transparent, effective, accessible and affordable grievance and appeal procedures should also be specified. Systems should be in place to enhance compliance with national legal frameworks.”

The final part of the paragraph refers to enhancing compliance with the legal framework governing the social security system. All States must ensure that, once a law on a social security system is adopted, it is effectively enforced and respected.



SUMMARY

Key points on article 22

- Peasants have the right to social security. Those who are in need must have access, throughout their lives, to a minimum of essential health care and a secure basic income.
- Migrant rural workers also have the right to social security.
- States must create and/or maintain a social security system.
- They must also put in place procedures to enhance the social security system, and remedies in case of non-compliance with this right.



For more information, go to
www.cetim.ch/factsheets-on-peasants-rights

See also “[The right to social security](#)”,
Melik Özden, Human rights series, CETIM, Geneva, 2011.

See also the text of the United Nations Declaration on the Rights of Peasants and
Other People Working in Rural Areas on the UN website,
<https://undocs.org/en/A/RES/73/165>



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