



ماعت للسلام والتنمية وحقوق الإنسان
Maat For Peace, Development, and Human Rights

Right to Social Security in Countries of Armed Conflict



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Introduction:

Social security is defined as any social protection programs and arrangements introduced by legislation to provide individuals with income security during times of old age, survival, infirmity, disability, unemployment, or child-rearing emergencies. It may also include therapeutic care and preventive measures, as defined by the International Social Security Association. Social security can comprise social insurance programs, social assistance programs, comprehensive programs, mutual benefit plans, and national savings funds. Recognizing the significance of social security in upholding human dignity, numerous human rights instruments have acknowledged the right to social security. The 1944 Declaration of Philadelphia emphasized the expansion of social security measures to ensure a basic income and comprehensive medical care for those in need. The Universal Declaration of Human Rights in 1948 recognized social security as a fundamental human right, affirming every person's right to social security and protection from distress caused by unemployment, illness, disability, widowhood, or circumstances beyond their control that deprive them of their livelihood.

Subsequently, social security was incorporated into various international and regional human rights treaties. For instance, Article (9) of the International Covenant on Economic, Social and Cultural Rights outlined the right of every individual to social security, including social insurance. According to Article (12) states parties to the Covenant are required to take effective measures, within their available resources, to fulfill the right to social security without discrimination. The drafting of Article (9) of the Covenant indicates that the scope of social security benefits should not be narrowly defined and must guarantee a minimum level of enjoyment of this human right for all individuals. In 2001, International Labor Conference, which included delegations from countries consisting of representatives of countries, employers and workers, stressed that social security is "a basic human right and a fundamental way to social cohesion."

Despite the growing importance of Social Security, only around 50% of the global population receives some form of social security, and a mere 20% has adequate coverage. Expanding social security coverage poses a significant challenge for most countries worldwide. To address this challenge, broader policy issues must be tackled,

including high rates of informal employment, low female labor force participation, political instability, internal and external conflicts, displacement, and refugee crises. These factors place immense pressure on social protection systems, particularly evident in certain Arab countries like Yemen, Libya, and Sudan, which face multiple crises, including conflicts and political instability. These circumstances have severely impacted the capacity of social protection systems in these countries, hindering their ability to provide adequate protection against escalating poverty and vulnerability.

In light of these considerations, **Maat for Peace, Development, and Human Rights** presents this report to underscore the right to social security as a fundamental human right. This initiative is part of Maat's 50 x 30 Human Rights for All campaign, running throughout the year 2023 and concluding on December 10, 2023, coinciding with the 75th anniversary of the Universal Declaration of Human Rights.

Right to Social Security under International Law

The right to social security acquires great importance in ensuring the human dignity of all persons when they are exposed to circumstances that deprive them of their ability to fully implement their human rights, and therefore it has been included as an established right in international law. The dimensions of social security related to human rights have been clearly demonstrated in the Declaration of Philadelphia of 1944, which called for "the expansion of social security measures to provide a basic income to all persons in need of such protection and to provide comprehensive medical care," and also included social security as a recognized human right in the Universal Declaration of Human Rights of 1948, which states in Article 22 that "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 organization and resources of each State, of the economic, social, and cultural rights indispensable for his dignity and the free development of his personality," and in Article 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 services¹."

¹ الإعلان العالمي لحقوق الإنسان، للإطلاع على بقية المواد، يرجى زيارة الرابط التالي. <https://cutt.us/xpPgR>

In a related context, since the recognition of the right to social security as a fundamental right in the Universal Declaration of Human Rights of 1948; the right to social security has been widely enshrined in the national constitutions of countries, in addition to being strengthened through a group of international agreements and other frameworks. For example, Article 9 of the International Covenant on Economic, Social and Cultural Rights of 1976 stipulates that the States Parties to the present Covenant recognize the right of everyone to social security, including social insurance", and in accordance with Article 2 (1) Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources to achieve progressively of all persons to social security, including social insurance, without any discrimination. The wording of Article 9 of the Covenant indicates that the measures to be used to provide social security benefits cannot be defined within a narrow scope, and must ensure, in all circumstances, a minimum level of enjoyment of this human right for all persons. In 2001, the International Labor Conference, which had representatives from countries, employers, and workers, affirmed that social security is "a fundamental human right and an essential means of creating social cohesion²."

In the same previous context, the committee charged with interpreting the "International Covenant on Economic, Social and Cultural Rights" defined this right as that it should include nine basic branches of social security; such as health care, illness, old age, unemployment, work-related injuries, family and child support, maternity, disability, survivors and orphans. States parties to the International Covenant on Economic, Social and Cultural Rights have obligations to respect, protect and fulfill the right to social security in each of these nine basic branches and the availability of all designated programs³. As well as the text of the Charter of the Organization of American States of 1951, in its Article No. 45 (d), "The member states are convinced that man cannot achieve the full realization of his aspirations except within one framework, which is a fair and efficient systems and procedures for consultation and collaboration among the sectors of production, with due regard for

² لجنة الأمم المتحدة للحقوق الاقتصادية والاجتماعية والثقافية: "التعليق العام رقم 19: الحق في الضمان الاجتماعي (المادة 9)، يرجى زيارة الرابط التالي. <https://cutt.us/o4xzI>

³ نفس المصدر السابق.

safeguarding the interests of the entire society⁴.” In addition, in 1952, the International Labor Organization Convention on the Social Security (Minimum Standards) Convention, 1952 (No. 102), provided; A legal basis for the minimum standards for the branches of social security relevant to the member states of the Convention⁵.

In addition, the European Social Charter of 1961 stipulates in Article 12 that “the Parties to establish or maintain a system of social security undertake: to maintain the social security system at a satisfactory level at least equal to that required for ratification of the European Social Security Act; to endeavor to raise progressively the system of social security to a higher level, to take appropriate steps - by the conclusion of appropriate bilateral and multilateral agreements, or by other means, and subject to the conditions laid down in such agreements, to ensure: equal treatment of citizens of other parties with their own nationals in relating to social security rights - including the retention of benefits arising from social security legislation - whatever movements the persons protected may undertake between the territories of the Contracting Parties; the granting, maintenance and recovery of social security rights by such means as insurance accumulation, or employment periods completed under the legislation of each of the Contracting Parties. Article 23 also stipulates the right of the elderly to social protection⁶.

In addition, the Convention on the Elimination of All Forms of Discrimination against Women stipulated in Article 11 (e) that “States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment to guarantee, on a basis of equality of men and women, the same rights, in particular: 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 leave⁷.” The 1989 Convention on the Rights of the Child, in Article 26, stipulates that “States Parties recognize every child has the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with its national law⁸.” The

⁴ CHARTER OF THE ORGANIZATION OF AMERICAN STATES, OAS.Org, Available at: <https://cutt.us/lvafp>

⁵ الاتفاقية رقم 102، بشأن المعايير الدنيا للضمان الاجتماعي، متاح من خلال الرابط التالي: <https://cutt.us/BNxRU>

⁶ الميثاق الاجتماعي الأوروبي (المعدل) 1996، جامعة منيسوتا - مكتبة حقوق الإنسان، للإطلاع على كافة نصوص الميثاق، يرجى زيارة الرابط التالي.

<https://cutt.us/JYcfn>

⁷ اتفاقية القضاء على جميع أشكال التمييز ضد المرأة، موقع الأمم المتحدة - حقوق الإنسان - مكتب المفوض السامي، متاحة من خلال الرابط التالي: <https://cutt.us/mXaIf>

⁸ اتفاقية حقوق الطفل، موقع الأمم المتحدة- حقوق الإنسان- مكتب المفوض السامي، متاحة من خلال الرابط التالي: <https://cutt.us/AsjiU>

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990, in Article 27 (1), states: “With regard to social security, migrant workers and members of their families in the State of employment shall enjoy the same treatment as nationals of the State to the extent that they fulfill requirements provided for by the applicable legislation of that State and the applicable bilateral and multilateral treaties. The competent authorities in the State of origin and the State of work can, at any time, make the necessary arrangements to determine the means of implementing this rule⁹.”

A number of recent international instruments have also included texts that strengthen the right to social security. The 2008 Convention on the Rights of Persons with Disabilities stipulates, in Article No. 28, that “States Parties recognize the right of persons with disabilities to social protection and to enjoy this right without discrimination on the basis of disability, and shall take appropriate steps to safeguard this right and promote its implementation¹⁰.” In addition, the recommendation No. 202, issued by the International Labor Conference of the International Labor Organization, regarding national floors for social protection, affirmed that the right to social security is a human right, and that it is an economic and social necessity to achieve development and progress, in addition to promoting employment, and emphasized that “ Member States should develop and implement national strategies to extend the scope of social security social security, based on national consultations through effective social dialogue and social participation¹¹.” The Protocol to the African Charter on Human and Peoples’ Rights on the Right of Citizens to Social Protection and Social Security for the year 2022 also affirmed in Article 3 thereof that “Every person residing in the territory of a Member State, subject to the provisions of this Protocol, has the right to social protection. The State is obligated to ensure that social protection is available, accessible, adequate, affordable, and transparent¹².”

Violation of Right to Social Security in some Arab Countries

⁹ الاتفاقية الدولية لحماية حقوق جميع العمال المهاجرين وأفراد أسرهم 158، موقع الأمم المتحدة-مكتب المفوض السامي، متاحة من خلال الرابط التالي. <https://cutt.us/HIfbV>

¹⁰ اتفاقية حقوق الأشخاص ذوي الإعاقات، موقع الأمم المتحدة- مكتب المفوض السامي، متاحة من خلال الرابط التالي. <https://cutt.us/ixTBN>

¹¹ التوصية رقم 202، بشأن الأرضيات الوطنية للحماية الاجتماعية، موقع منظمة العمل الدولية، للإطلاع على المزيد، يرجى زيارة الرابط التالي. <https://cutt.us/H7nen>

¹² PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES’ RIGHTS ON THE RIGHTS OF CITIZENS TO SOCIAL PROTECTION AND SOCIAL SECURITY, African Union, 2022, To read more, Available on. <https://cutt.us/Gq291>

The right to social security is a basic right that is widely recognized in the national constitutions of countries. However, the basic human right to social security is still not guaranteed for a large percentage of the world's population, including the Arab countries. While most countries in the region have established programs and institutions for social security in the past decades, but effective social security coverage is still far-fetched, as most social insurance programs only cover workers in the public and private sectors with regular contracts, while other categories are excluded from coverage. Such as workers in the informal economy, in addition to the low percentage of female participation in the labor market and high levels of unemployment. Political instability, internal crises, and armed groups in certain Arab countries have led to heightened strain on social assistance and social security systems. This is particularly evident in some Arab countries such as the Republic of Yemen, the Republic of Sudan, and the State of Libya, from which we can review their current positions regarding the implementation of the right to social security, and the reasons that negatively affected the implementation of this right fairly and effectively to be processed, as follows:

1. Violation of right to social security in Yemen

International institutions and donor agencies constantly play a very important role in making decisions regarding social protection in the Republic of Yemen. Despite the existence of social security systems for the public and private sectors, only 30% of private sector employees in Yemen are included in this framework, and it must be noted that before the outbreak of conflict in Yemen, the government had begun the process of gradually eliminating subsidies on petroleum products and some basic foodstuffs. Despite the social assistance programs targeting the poor, they were severely affected by the removal of subsidies, and after the outbreak of the conflict, and the Houthi armed group's control over many from the Yemeni regions, the poverty rate in the country rose to 80%, and the economy contracted by 50%, in light of the conflict that Yemen has been witnessing for nine years¹³, in addition to the severe negative consequences that the Yemeni humanitarian crisis, which has affected the most vulnerable groups in society, especially the elderly. According to reports, approximately 95% of elderly individuals in Yemen do not have any source of

¹³ اليمن .. الفقر يرتفع بنسبة 80% والاقتصاد ينكمش 50%، عربية سكاى نيوز، 20 يوليو 2023. <https://cutt.us/P2Rr3>

income, and 50% of elderly women struggle to access healthcare services. Meanwhile, the leaders of the Houthi group, who hold control over the Ministry of Social Affairs in Sanaa, introduced a project called the National Strategy for Elderly Care for the period between 2020 and 2030; However, their credibility was undermined as they manipulated the Social Security system to favor their supporters, and depriving tens of thousands of its beneficiaries of their entitlements¹⁴.

In the same context, the loss of children on the Houthi fronts doubled the burdens of the Yemeni elderly. Thousands of elderly people in Yemen are forced to work in hard jobs to support their grandchildren. Despite promising unprecedented benefits to the families of their deceased fighters, the Houthi group failed to distribute cash or food aid, except to the families connected to the Houthi dynasty. Others are only given minimal assistance each month or (given only crumbs every month). According to an international study, about 1.65 million Yemeni elderly are threatened by the specter of famine¹⁵, in light of the collapse of the existing social protection system. The Houthi group illegally deducted sums of money - five thousand from each beneficiary - from the entitlements of social security beneficiaries in the capital, Sana'a, and the governorates under its control, after the World Bank, through UNICEF, recently guaranteed the delivery of entitlements to social security beneficiaries in the capital, Sana'a, Al Mahwit, Ibb, and several other governorates. Additionally, the Houthi group targeted social protection programs and plundered the savings and resources of revenue funds; Such as the Social Security Fund, the Youth Fund, and the Insurance Corporation Fund, in addition to retirement funds, which caused a rise in the poverty rate among Yemenis and a loss of the right to social security in light of the growing conflict¹⁶.

In the same context, according to statements by beneficiaries of social security resources in a number of Yemeni governorates controlled by the Houthis; There are unjustified deductions from the meager pensions allocated to them, in support of the so-called "war effort," and according to their statements, this is not the first time that the Houthi group has stolen their entitlements. Indeed, in recent years, this group has looted large sums of social security funds. , According to the testimony of one of the

¹⁴ المسئون اليمنيون تستنزفهم الأزمة المعيشية وتنقصهم الحماية الاجتماعية، الشرق الأوسط، 30 يوليو 2023. <https://cutt.us/brBZS>

¹⁵ فقد الأبناء في جبهات الحوثيين يضاعف أعباء المسنين اليمنيين، الشرق الأوسط، 3 يوليو 2023. <https://cutt.us/V85Ye>

¹⁶ عقب تكفل البنك الدولي بصرف مستحقات الضمان الاجتماعي.. ميليشيات الحوثي تستقطع خمسة الف من كل مستفيد، عدن الغد، 27 يونيو 2022. <https://cutt.us/CGI96>

former employees of the Social Security Fund in Sana'a, it should be noted that the total number of poor Yemeni cases who were beneficiaries of social security before the Houthi plundering reached 1.5 million cases, besides that the committee following up on the social insurance file in Sana'a had previously revealed the disappearance of more than 300 billion Yemeni riyals from the funds of the General Organization for Social Insurance, which belong to the insured from the private commercial, industrial, and service sectors, oil companies, communications, banks, and others throughout Yemen.¹⁷

2. Violation of Right to Social Security in the Republic of Sudan

Sudan has many social institutions that work to enhance the right to social security, including the Zakat Office, the Anti-Poverty Commission, the Health Insurance Authority, the Pension Fund, the National Social Insurance Fund and others. However, the worsening continuing state of war in Sudan has contributed to the weakening of the social protection system -the already weak and fragile one, and it has become very difficult for the Sudanese government, due to the continuing violence and internal conflict, to provide a social protection system for the most vulnerable and marginalized groups in society. The war that occurred in Sudan in April 2023 left extremely dangerous political, economic, and social conditions, as the war that broke out between the Sudanese army and the Rapid Support Forces resulted in more than 3,000 deaths, and the numbers are constantly increasing, and this was accompanied by an internal displacement movement of more than 2 million and 200 thousand people, and also the displacement of more than 631 thousand people out of Sudan, besides the fact that according to international reports, about 25 million Sudanese became in need of humanitarian aid after the outbreak of the war. Naturally, the results of the war affected the economic conditions, increasing the extent of poverty and the ability to access main services in Sudan, which has negatively affected the ability of the state and its institutions to provide an effective social protection system that meets the needs of the beneficiaries, especially the most vulnerable groups in society such as women, people with special abilities, the elderly, and others entitled to social security in Sudan, besides the ongoing conflict and war in Sudan, which led to a decline in the role of international and national organizations that provide

¹⁷ The Houthi militia plunders the entitlements of beneficiaries of the cash transfer project, Tihama 24, July 2, 2022. <https://cutt.us/171pX>

services related to social protection, and most of whose main offices are located in the capital, Khartoum, which witnesses bloody clashes.¹⁸

In a related context, with the continuation of the war and the current situation in Sudan, which weakens the ability of government institutions to work effectively, besides the political instability and weakening the economic growth of the state, which increasingly affects the violation of the right to social security in Sudan, while the country basically does not have a social protection system that meets the minimum standards to ensure a good quality of life for the marginalized and most vulnerable groups in Sudanese society. According to government data, the poverty rate in Sudan has increased to affect more than 65% of the population. In addition, the army's withdrawal from the civilian government on October 25, 2021 led to the suspension of the "Thamarat" social protection program, which was targeting 80% of the population. The program was launched on February 24, 2021, which was based on direct cash transfer to Sudanese families, as the program aims to reach 80% of citizens, or about 32 million Sudanese, at a rate of \$5 per person. In addition, the Sudanese authorities also stopped the commodity support program that was sponsored by the Sudanese government, besides the large wave of displacement resulting from the war and internal conflicts in Sudan that weakened the state's ability to provide a social security system, where the combat battles in the Sudanese capital disrupted the institutions of the state and the banking sector, which prevented effectively interfering in providing social assistance following the ongoing war in Sudan, and also stopped the role of social protection institutions such as the National Pensions Fund, the Health Insurance Center, and other institutions that were providing cash transfers or social aid to citizens¹⁹.

3. Violation of Right to Social Security in Libya

Before the crisis in Libya in 2011, the social assistance and protection system provided comprehensive services that included food, health care, education, housing facilities, and utility services such as electricity, water, and transportation, all of which were subsidized for those in need before the crisis. However, in 2015, food subsidies were

¹⁸ Observations on the Situation of Social Protection Amidst the Sudanese War, Arab Reform Initiative, 17 Aug 2023.

<https://cutt.us/ztXKM>

¹⁹ Ibid.

canceled, however energy subsidies remained high, and over time, the Libyan social protection system has become outdated and does not adopt multi-sectoral strategies. In addition, the current social security/social protection system in Libya does not meet the requirements of living and does not keep pace with international and regional aspirations, because social protection in Libya is limited to social safety networks that specifies categories of support with limited values. The continuation of wars and fighting on Libyan territory for years has generated increasing pressure on the social security network, causing it to lose its ability to spare the displaced and those fleeing the scourge of armed conflicts. The repercussions and dangers of the wars that destroyed their property and claimed many of their lives, and there is still an absence of a coordination mechanism to treat survivors of violence, in addition to the security risks due to the fighting of armed groups on the territory of Libya that prevent the application of unconditional cash transfers to replace food baskets²⁰.

In the same previous context, and due to the ongoing conflict in Libya, the fighting between armed groups and the recent intensification of political divisions, the social protection network in Libya has suffered a significant deterioration. The existing political conflicts in Libya have caused a negative institutional division in many Libyan social welfare institutions, such as the Social Security Fund and the Retirement Fund, these institutions in turn face many challenges that prevent them from fulfilling their role, including the difficulty of collecting their contributions, their inability to pay the dues of vulnerable groups in society, and the faltering of their investment projects as a result of wars and fighting, which threatens their ability to fulfill their obligations in the required manner in the future, besides the impact of the continued conflict and fighting in Libya on oil resources and the state's sovereign institutions, which weakened the country's rating. Subsequently, the state's ability to support people with limited income, those with basic salaries, and vulnerable groups in society weakened. In addition, due to armed clashes in various areas of Libya, a new category appeared on the Libyan social scene, which is the category of displaced persons who face multiple difficulties as a result of their loss of sources of income and

²⁰ The social protection system, ESCWA, is available through the following link. <https://cutt.us/H04f8>

the deterioration of their living conditions and the difficulty of getting the necessary education and health services. All of these factors, in one way or another, generate pressure on the Libyan social protection system, which is still suffering from continuous deterioration in light of the continuation of armed clashes, which means that the right to social security will continue to be violated in Libya unless these conflicts stop and a long-term strategy is developed to manage and invest money in social funds²¹.

Recommendations:

Maat for Peace, Development and Human Rights recommends that governments of Arab countries in general, and countries affected by internal conflicts in particular, should make more efforts to ensure the continuation of social protection systems and to create others as an indispensable mechanism for realizing the right to social solidarity, including several other recommendations which can be detailed as follows:

- Consider ratifying International Labor Organization Convention No. 102 of 1952 regarding minimum standards for social security, and Convention No. 118 of 1962 regarding equal treatment of citizens and non-citizens in terms of social security.
- The necessity of designing long-term and sustainable social protection programs in cooperation with the rest of the actors in the country, in addition to attaching emergency programs to existing social security systems.
- Develop social protection programs adapted to the specific needs of the most vulnerable groups, such as women and people with disabilities to address the increased vulnerability facing these groups during armed conflicts, particularly with regard to access to health care, protection from violence, and access to work and education.
- The importance of government agencies and departments supervising social protection institutions assuming their responsibility and exerting their utmost efforts to provide a social protection system that suits rapid response to the effects of war and conflict.

²¹ The same previous source.

- Provide all forms of support to camps for internally displaced people, in addition to providing financial and monetary support to families hosting groups of displaced people in war and conflict areas.
- Give the utmost importance to the most vulnerable and marginalized groups in society during conflicts, and provide appropriate rapid response mechanisms for social protection for women, people with special abilities, and the elderly, as well as internally displaced persons.