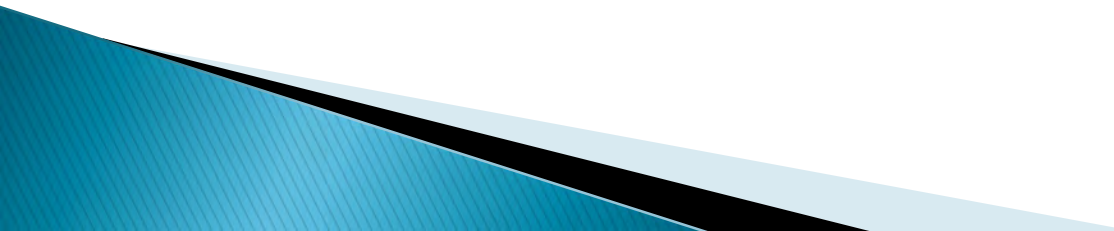


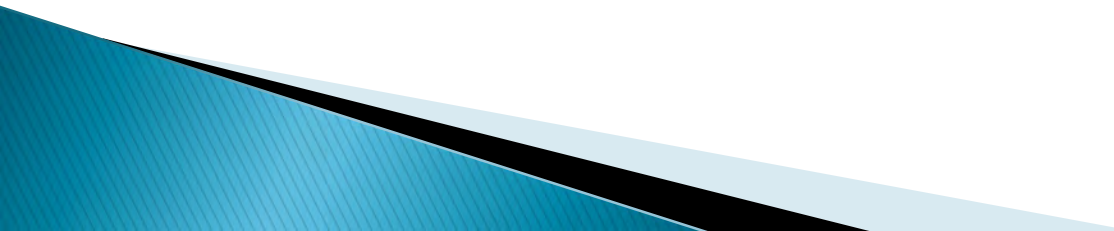
The right to social security – what it means for Australia

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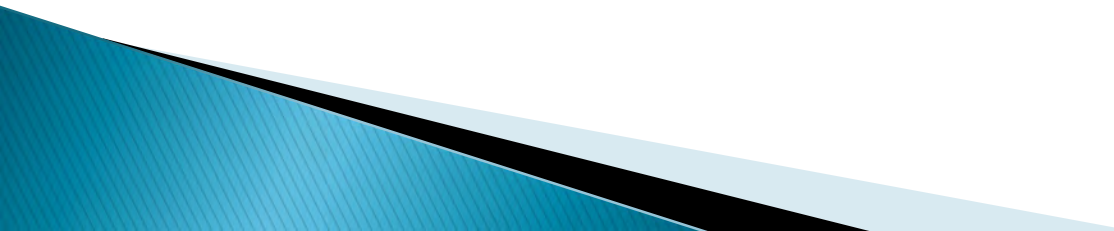
The right of access to social security, including social assistance, for those unable to support themselves and their dependants is entrenched because as a society we value human beings and want to ensure that people are afforded their basic needs. A society must seek to ensure that the basic necessities of life are accessible to all if it is to be a society in which human dignity, freedom and equality are foundational... **Sharing responsibility for the problems and consequences of poverty equally as a community represents the extent to which wealthier members of the community view the minimal well-being of the poor as connected with their personal well-being and the well-being of the community as a whole.** In other words, decisions about the allocation of public benefits represent the extent to which poor people are treated as equal members of society.' (Mokgoro J, in *Khoza v Minister of Social Development*).



Paper outline

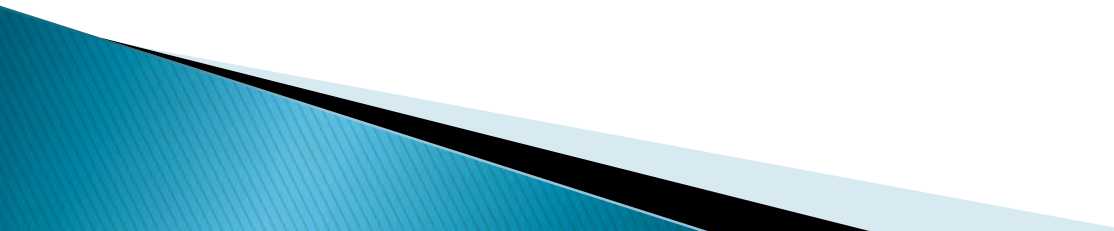
- ▶ The right to social security
 - ▶ Interpretation of the right
 - ▶ Relationship to equality
 - ▶ Status of the right in Australia
 - ▶ A role for the right?
- 

The right to social security

- ▶ Declaration of Philadelphia
 - ▶ UDHR
 - ▶ ICESCR
 - ▶ Conventions
 - ▶ Regional
 - ▶ National
- 

Universal Declaration of Human Rights (1948) Article 22

Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation 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.



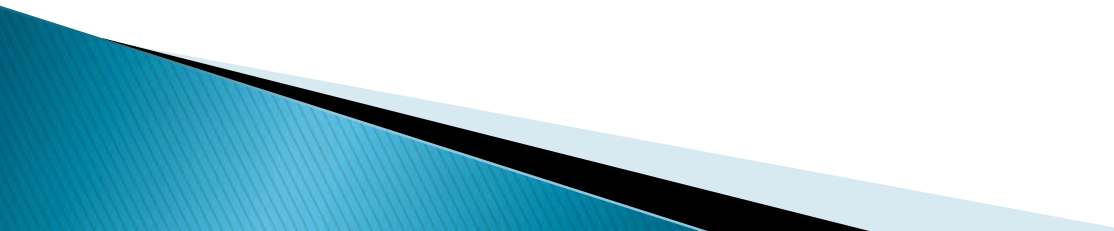
UDHR Article 25

(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 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.

ILO Declaration of Philadelphia (1944) III(f) – aim:

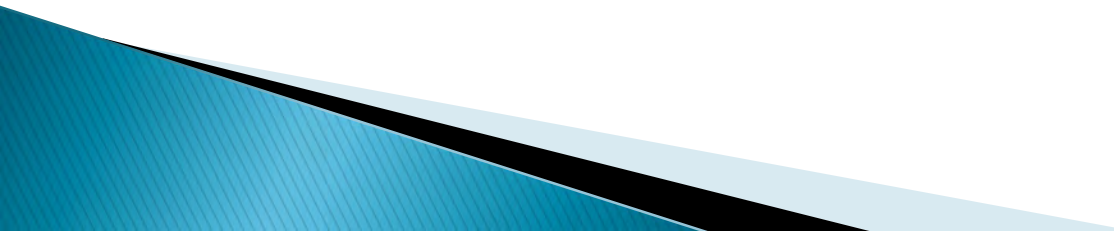
The extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care.



International Covenant on Economic, Social and Cultural Rights (1966)

Article 9:

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.



Interpreting the right

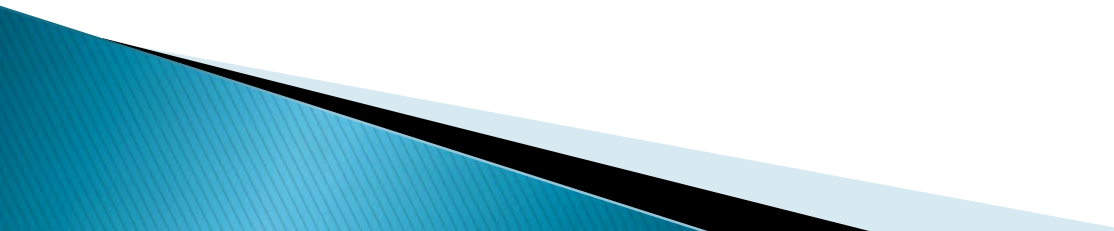
The right to access and maintain benefits, whether in cash or in kind, without discrimination in order to secure protection, inter alia, from

- ▶ (a) lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age, or death of a family member;
- ▶ (b) unaffordable access to health care;
- ▶ (c) insufficient family support, particularly for children and adult dependents. **[GC 19 (para 2)]**

Interpreting the right

- ▶ Progressive realisation
 - ▶ Non-retrogression
 - ▶ Non- discrimination
- 

The status of the right in Australia

- ▶ Signatory to UDHR, ICESCR and other relevant treaties; UN processes
 - ▶ No bill of rights, although in states and territories
 - ▶ Anti-discrimination - limited reach
 - ▶ Parliamentary scrutiny
- 

A role for the right?

- ▶ Human rights legislative reform?
 - ▶ Extending anti-discrimination legislation to social security?
 - ▶ Continued international work?
 - ▶ Rights discourse
 - ▶ Rights in other debates such as a GI or BI
- 