

Normative contents of the issues : RIGHT TO SOCIAL SECURITY AND SOCIAL PROTECTION – Examined at Tenth Session of the Open-ended Working Group on Ageing

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Definition of right to social security and social protection

The Constitution of India defines the right to social security and social protection in its Articles 39 and 30. “The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life. The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations. The State shall, in particular, direct its policy towards securing—that the citizens, men and women equally, have the right to an adequate means of livelihood.”

Scope Of The Right

1. Older persons have the right to social security and social protection without discrimination based on age or any other ground, so they can live with dignity and fully participate in society.

1.1 Older persons have the right to social security and social protection measures, whether in cash or kind, to ensure an adequate standard of living, adequate income security, access to health care, medication and assistive devices, and access to care and support services for autonomous and independent living in older age.

1.2 Older persons have the right to social security and social protection measures, whether in cash or kind, that are of a high enough value, quantity and quality, and for the full period of life, for an adequate standard of living and so that they can live autonomous, independent lives with dignity and can fully participate in society.

1.3 Older persons have the right to social assistance and in-kind social security that is appropriate and acceptable for their needs and preferences.

1.4 Older persons have the right to information on all aspects of social security and social protection schemes, including eligibility and qualification.

1.5 Older persons have the right to unconditional, autonomous use of income from social security and social protection schemes.

1.6 Older persons have the right to make complaints, appeal and seek redress for practices that deny their right to social security and social protection.

1.7 Older Persons have the right to demand access labour markets and take recourse against discrimination in employment opportunities.

1.8 Older Persons have the right to demand expeditious hearing of their grievances and demand door step delivery of public services.

a) Availability of contributory and non-contributory schemes for older persons – Both options should be available. Those in the formal economy can take advantage of contributory schemes. Every country has a poor population and non-contributory schemes should exist that takes care of the needs of the poor and indigent.

b) Adequacy of benefits to guarantee older person's access to an adequate standard of living and adequate access to health care – Every country must ensure that social security and social protection floors allows older persons to live with dignity. Health insurance schemes that cover all ailments must be available to the elderly, with the government purchasing the policy for poor among them.

c) Accessibility, eligibility and affordability of contributions – Social security must be available to all older persons and they must not face any difficulty accessing these services in time of need. Basic contributions must be affordable and those wishing to contribute more can be asked to pay higher premiums. Those who cannot afford must be helped by state through non-contributory schemes or through state paying contributions.

e) Participation of older persons – Older Persons must be encouraged to build civil society organisations that take forward their rights and represent them in forums that take important decisions regarding social protection

State Obligations

2. States Parties shall take effective and appropriate measures

2.1 To ensure social security and social protection schemes are universally available and in place to ensure older persons are provided with social security and social protection for the relevant risks and contingencies they face, including in relation to care and support.

2.2 To ensure older persons have access to information on all aspects of social security and social protection schemes, including eligibility and qualification.

2.3 To ensure older persons have access to support in application processes for social security and social protection measures without delay, including older persons without identity documentation.

2.4 To ensure delivery mechanisms for social security and social protection measures are adapted so they are accessible and affordable for all older persons without discrimination.

2.5 To ensure older persons have access to effective complaint and appeal mechanisms to seek redress for practices that deny their right to social security and social protection.

2.5 To sensitise public servants and private citizens about the rights of the elderly, services they are entitled to, and the need for just and humane treatment of older persons.

Special Considerations

4. What special measures and specific considerations should be considered in developing the normative content of the right of older persons to social protection and social security?

4.1 Different nations have different capabilities in offering social protection and social security for citizens

4.2 In such nations the family and local community can play an effective role in ensuring rights of older persons

4.3 Like gender budgeting, elder budgeting that pays special attention to needs of older persons when governments conceive their annual budgets

4.4 Devolution of special funds to local self government for local communities to help indigent older persons among their midst.

4.5 Ensure that the processes and procedures of accessing pensions are decentralised, simple and dignified;

4.6 Take legislative and other measures to enable individuals to prepare for income security in old age;

4.7 Take legislative and other measures that facilitate the rights of Older Persons to access services from state service providers.

4.8 Older persons should receive appropriate resources enabling them to have an adequate standard of living and participate in public, economic, social and cultural life.

4.9. Member States should take measures to facilitate mobility of older persons and proper access to infrastructure for them.

4.10 Member States should provide adequate measures of support to enable older persons to have housing adapted to their current and future needs.

5. How should the responsibilities of non-State parties such as private sector be defined in the context of the right of older persons to social protection and social security?

5.1 Non-state parties should not discriminate on the basis of old age in matters of old age, provision of services, unless there are liabilities or risks against which they cannot be indemnified

5.2 Non-state parties must ensure all employees are provisioned for some old age related social security and provision

5.3 Non-state actors including private sector and NGOs must be incentivized to explore opportunities that improve social protection and welfare of elderly

Implementation

6. What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on social security and social protection for older persons?

India has several good practices like discounted public travel and laws that ensure maintenance for elderly and a robust family support system. The main challenge for India is the focus of government is on the younger citizens whose numbers are massive and entering the workforce every day with finding them employment becoming a pressing concern. India has also employed a massive public health insurance scheme called Ayushman Bharat which will potentially cover all elderly persons in the days to come. India also has a strong legal system. A little more concern for elderly rights and prevalence of elder abuse needs to be soaked into the system. Many Indian states are also in the process of bringing public delivery of services to the doorstep. Pensions are also being offered to those working in the informal economy now.