

Interpretative Statement on Article 12§§ 1, 2 and 3

During the course of its examination of Article 12§§1,2,3 the Committee became aware of the urgent need to re examine the normative content of Article 12 and the interrelationship between the paragraphs.

Fifty years ago the industrialised countries agreed, in principle, on nine risks to be covered in a social security system; this is reflected in ILO Convention No. 102 (Minimum Standards). However it has become necessary to examine how many of the nine risks are still covered by the Contracting Parties, whether all nine risks are still relevant and whether new risks have been accepted or should be covered. The Committee will do this in the next cycle.

As the Committee has stated before, the notion of a social security system implies that a significant proportion of the population is covered and in essence based on collective funding and that the social risks which are considered essential must be covered by the system. Further the State must be the guarantor of contributions. The Committee will re-examine the proportion of persons covered by the social security system. It will further examine to what extent coverage of the needs for social protection is ensured by social security, by private insurance and savings or by social assistance and will verify that the proportion of social security does not fall below a level to be determined. Where the system is financed by taxation (or budgetary resources), its coverage in terms of persons protected should rest on the principle of non-discrimination without prejudice to the conditions for entitlement (means test, etc.).

To be considered as adequate, the level of benefit should in cases of wage substitution, whether temporary or permanent, always stand in a reasonable relation to the wage in question and should in any event exceed the minimum subsistence level. In particular, the income of the elderly should not be one of minimum assistance.

The Committee may consider examining the right to medical care primarily under Article 11, the right to family benefits under Article 16 and the right to old age pensions under Article 23 of the revised Charter.

Under Article 12§3 the Committee wishes all countries to provide information on the adjustment of social security benefits and to give figures demonstrating how the real value of the benefits have been at least maintained in practice. In the light of “progressivity” principle embodied in this paragraph the Committee wishes to know in particular whether the protection provided by the social security system has been extended to cover more of the population and whether new risks/benefits have been introduced.

The restrictions on the right to social security should be assessed in the light of Article G§2 of the revised Charter (or Article 31§2 of the Charter). In view of the changes made to social security systems as a result of economic and demographic factors the Committee requested in cycle XIII-4 that inter alia the following information on any changes to the social security system be submitted:

- The nature of the changes (field of application, conditions for granting allowances, amounts of allowance, lengths etc...)
- The reasons given for the changes (the aims pursued) and the framework of social and economic policy in which they arise;
- The extent of the changes introduced (categories and numbers of people concerned, levels of allowances before and after alteration);

- The existence of measures of social assistance for those who find themselves in a situation of need as a result of the changes made (this information can be submitted under Article 13);
- The results obtained by such changes (their adequacy).